

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**R E P O R T**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1949 - 1950**

that in the Uniform Act as well as in the State law, the standards are not definitely imposed, but on the contrary it is merely stated that "the court \* \* \* shall consider the standards \* \* \*." Whether or not the fact that the court is directed to give consideration to standards set up by a foreign agency would render the legislation invalid is a question that I am unable to answer, as it is a matter that would have to be determined by the Supreme Judicial Court of Maine in a case properly before that court.

JOHN S. S. FESSENDEN  
Deputy Attorney General

December 7, 1950

To Fred M. Berry, State Auditor  
Re: Chapter 290, P. L. 1947, Witness Fees; Police Officers' Fees

I have your memo of December 5th, relating to Chapter 290, P. L. 1947, which you quote in full. You will note the language of the statute is: "to be paid after recovery by the county treasurer upon approval of the county commissioners to the municipality employing such police officer or constable."

Therefore it is my opinion that the county does not have to pay the municipality unless the costs taxed for the complainant are recovered.

This does not apply to State Police in highway matters. It refers only to cities, towns, and plantations.

In view of the fact that this statute refers to police officers and constables who are paid a salary or are on a per diem basis by the city, town or plantation, it is not the intent of the legislature for counties to pay to municipalities costs which they never recovered. That is the reason why this language was inserted: "to be paid after recovery."

RALPH W. FARRIS  
Attorney General

December 7, 1950

To James T. Ross, Chairman, Board of Registration, Old Town

I have your letter of December 6th in reply to mine of December 1st, relating to the questions of residents of Indian Island voting in Old Town city elections. You enclosed a copy of a letter to the former board of registration dated March 29, 1921, written by R. W. Shaw, then Attorney General, in which he referred to Section 74 of Chapter 7. You state that, to your knowledge, there has been no change in the status of Indian Island since that time.

In reply I wish to state that the section of law mentioned by former Attorney General Shaw in the Revised Statutes of 1916 was included in the Revision of 1930 as Section 76 of Chapter 8, and that the legislature in 1937 repealed part of this act under the provisions of Chapter 209 of the Public Laws of 1937, which was entitled, "An Act to Extend Suffrage to Qualified Voters in Unorganized Territory." You will find this Act now, as amended, in Section 64 of Chapter 5 of the Revised Statutes of 1944, which cites the

1937 law, the 1941 law and the 1943 law. This section was amended by the Public Laws of 1947, Chapter 83, and again by Chapter 349, Section 1, of the Public Laws of 1949, which repealed Section 64 of Chapter 5 of the Revised Statutes and enacted a new section in place thereof.

Section 5 of said Chapter 349, P. L. 1949, also provides that a poll tax shall be assessed annually on or as of April 1 on all residents in unorganized territory who are required by law to pay a poll tax, and the tax shall be paid to the State tax assessor, who shall give a receipt therefor. Poll taxes assessed and collected from electors in unorganized territory who register in a town as voters shall be paid by him to such town for any year in which such electors actually vote therein, provided the State tax assessor receives from the officials thereof a certification of such registration and act of voting by June 1st of the following year, and such payment shall be considered as an assessment on such electors by such town officials. The remainder of the poll taxes collected, if any, shall be paid to the Treasurer of State.

Now going back to the last word on the subject, Section 1 of Chapter 349, P. L. 1949, this provides that persons having legal residence in unorganized territory and having the legal qualifications of voters, may vote in all county, state and national elections if such town is in the same county; if not so situated, then only in state and national elections.

In view of the many changes in the law since 1921 when Attorney General Shaw made a ruling to your board of registration, and in view of the plain language in the 1949 Act, Mr. Poolaw can vote only in county, state and national elections. The statute is silent on municipal elections. I am sending him a copy of this letter, so that he will know upon what law my decision is based.

RALPH W. FARRIS  
Attorney General

December 19, 1950

To Brig. Gen. George M. Carter, The Adjutant General

Re: Question of Authority of the Governor of the State of Maine to Extend Regular enlistments of Members of the Military Forces of the State

I acknowledge receipt of your memo of December 14th relating to the above-entitled subject matter. You call my attention to the fact that on July 27, 1950, the 81st Congress of the United States passed Public Law 624 which gives extensive powers to the President of the United States with respect to the Armed Forces of the nation and in general to promote the overall security of the nation.

You further state in your memo that on the same date there was published from the Executive Department of the United States Government Executive Order 10145 implementing the provisions of Public Law 624 which extended enlistments of all members of the Armed Forces for a period not to exceed twelve months. You further note that under the terms of Section I of P. L. 624 this authority granted to the President would expire on July 9, 1951.

You further state in your memo of the 14th that by directive of the Department of Defense the National Guard Bureau notified the States that the