

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

the transportation of persons, they are excluded from the requirements of the Act.

JAMES G. FROST
Assistant Attorney General

July 27, 1951

To Honorable Frederick G. Payne, Governor of Maine
Re: Fees of Secretary of State

This memo is in response to a letter to your Excellency from Lewis I. Naiman, attorney at law, Gardiner, Maine, which letter was submitted to this office for consideration.

The Secretary of State has promulgated a rule and regulation, approved by the Governor and Council, that:

“Information for commercial purposes other than the name and address of an owner or his registration number will not be furnished except to state prosecuting attorneys or enforcement officials unless the request is accompanied by a fee of twenty-five cents for each individual look up.”

Mr. Naiman questions the legality of this regulation, citing Chapter 19, Section 5, R. S. 1944, which makes such records public; Chapter 18, Section 6, the section establishing certain fees; and Chapter 19, Section 8, which authorizes the Secretary of State to make such rules and regulations not inconsistent with other laws. Mr. Naiman states that it is his belief that the establishment of Fees and charges is a legislative function, and there not being legislative enactment authorizing such 25 cents for information pertaining to motor vehicle applications and registration, then this regulation is unlawful and unenforceable.

Relative to this question, we direct attention to Section 33, Chapter 14, R. S. 1944, which reads as follows:

“Sec. 33. Fees not provided for. R. S. c. 126, §24. In cases not expressly provided for, the fees of all public officers, for any official service shall be at the same rate as are prescribed by law for like services.”

It is our opinion that the Secretary of State had authority, under Section 33, Chapter 14, R. S. 1944, to establish a fee for the services performed in that office.

In having such regulation approved by the Governor and Council, the Secretary of State was adhering to the requirements of Section 8, Chapter 19, R. S. 1944.

Such fee could properly be authorized under Section 8, Chapter 19, R. S. 1944, as it was not inconsistent with other laws, Section 33, Chapter 14, R. S. 1944, having provided for such fee.

JAMES G. FROST
Assistant Attorney General