

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

issue free licenses to certain groups of patients at the Veterans' Center at Togus.

By virtue of the specifically enumerated classes, other classes are excluded from being extended similar privileges.

JAMES G. FROST
Assistant Attorney General

August 30, 1951

To C. H. Arber, Merit Award Board

In your memo of August 13, 1951, you inquire if Section 21 of Chapter 20, R. S. 1944, which requires that certified checks be submitted when bid proposals are considered, may be amended so that cashiers' checks may be accepted, and this before the next legislature convenes.

It is our opinion that we may not change the statutes without proper procedure through the legislature and that, until such time, certified checks are the only checks that may be accepted.

JAMES G. FROST
Assistant Attorney General

August 30, 1951

To Mrs. Evelyn D. Marshall, Labor and Industry

Re: Sections 22 and 24, Chapter 25, R. S. 1944

You ask if a woman working as a dispatcher for a taxi service comes under the definition of a female employed by a transportation company.

We re-affirm the opinion expressed by this office on May 18, 1949, to the effect that a concern operating a taxi service is a "transportation company". Necessarily, then, for the purposes of Sections 22 and 24 of Chapter 25, R. S. 1944, a woman working as a dispatcher for a taxi service is employed by a "transportation company".

JAMES G. FROST •
Assistant Attorney General

August 30, 1951

To Ermo H. Scott, Deputy Commissioner of Education

Re: Section 124, Chapter 37, R. S. 1944

Your memo of August 24, 1951, in which you ask for an interpretation of a paragraph in Section 124 of Chapter 37, R. S. 1944, has been received by this office. Said paragraph reads as follows:

"The commissioner of education shall further collect all records of educational institutions within the state which are now extinct, or shall

hereafter become extinct, and shall deposit all such records in a place of safety and accessibility for future preservation and use.”

It is our opinion, from a reading of this statute, that the collection of such records is mandatory on the part of the Commissioner of Education, in other words that this portion of the statute compels you to collect the records of all institutions within the State which are now out of existence or hereafter go out of existence.

JAMES G. FROST
Assistant Attorney General

September 5, 1951

To S. F. Dorrance, Livestock Specialist, Department of Agriculture
Re: Dogs

Your memo of August 24, 1951, has been received. This relates to Chapter 88, Section 12, R. S. 1944.

Under that statute town officers are directed to seek out, catch and confine all dogs within their territory that are not licensed, collared and tagged. These dogs have to be detained for a period of not more than six days. You ask upon whom the expense falls for feeding, advertising, and attempting to locate the owners, during that six-day period.

It is our opinion that the expense falls:—

- 1) Upon the owner, and it must be paid by him upon claiming the dog; or
- 2) By the city or town which orders such animal to be taken, in the event that the owner fails to appear.

JAMES G. FROST
Assistant Attorney General

September 10, 1951

To Fred E. Holt, Supervisor, Forestry
Re: Portable Sawmills

Your letter of September 5, 1951, has been received by this office. You state that the Recorder of a municipal court has rendered a decision that it is not necessary for a mill owner to be licensed under Chapter 423, Section 72, Public Laws of 1949, which requires a license for a primary wood-using saw-mill which is “portable” by definition, if that mill is on land owned by the operator. You state that this opinion is subject to change if the Attorney General’s office will submit a written opinion that such an operator, even though the mill is on his own land, is subject to license.

Please be advised that the Attorney General’s office does not render advisory opinions to municipal courts or other justices. Our duties are strictly limited by law to advising the Governor and Council, the legislature, and the heads of State departments in regard to State business. Although we frequently find it necessary to appear in court to argue, we may not render opinions