

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

January 31, 1952

To Harold I. Goss, Secretary of State
Re: Reprinting of Maine Statutes

With reference to your memo of January 18, 1952, relative to your granting permission to the National Consumer Finance Association to reprint portions of our statutes, it is our opinion that statutes and court rules are not in themselves subject to copyright; hence there is no infringement in copying statutes and court rules even from annotated and copyrighted editions of them.

This might explain the absence of statutory provisions granting you authority to give permission to reprint portions of our statutes. Therefore there would be no objection to your giving permission to the Association to reprint such statutes contained in our compilations of laws as they desire. . .

JAMES G. FROST
Assistant Attorney General

January 31, 1952

To Harland A. Ladd, Commissioner of Education
Re: Eastport Petition

. . . You inquire if paragraph XII, Section 3, Chapter 37, R. S., a statute which grants to the Commissioner of Education the power, under certain conditions, to make an inspection of the schools of a town, gives the right to investigate the relationship between the superintending school committee of the City of Eastport and the superintendent of Union 104.

It is the opinion of this office that paragraph XII, *supra*, is limited in scope. The inspection may be made, on petition, but the findings and reports are limited to the standards of buildings, equipment, organization, and instruction. Thus the scope of the inspection is limited particularly to the areas above mentioned.

The petition presented to you does not ask for an inspection of buildings, equipment, organization, or instruction, but of matters of purely local concern, not falling within your prescribed powers. It is therefore our opinion that you have no power to make an inspection with respect to the conditions set forth in the petition.

ROGER A. PUTNAM
Assistant Attorney General

February 4, 1952

To Harland A. Ladd, Commissioner of Education
Re: Special Projects

We have your memo of January 25, 1952, relative to Section 2 of Chapter 386, Public Laws of 1951.

Section 204 of Chapter 37, R. S. 1944, provided in part that the Commissioner of Education could make special allocations, not exceeding \$500 for a plan or project approved by the Commissioner.

This section was repealed by Chapter 386, Section 2, P. L. 1951, which chapter states:

“The provisions of this section shall become effective for the allocations to be made in the year 1952. It is the intent of the legislature that the 1951 allocations be made under the provisions of law as they existed prior to the effective date of this section.”

The question is then asked: “Can the commissioner of education make allocations under this section through the State’s 1951 fiscal year (current fiscal year) for projects developed prior to the effective date of the general purpose aid law?”

It is the opinion of this office that the effective date provision of Section 2, Chapter 386, Public Laws 1951, is directed to the calendar year and not to the State’s fiscal year.

Quite generally, the word “year”, unless otherwise expressed, is always intended to mean the calendar year. Any presumption in favor of its referring to a fiscal year, because it is applied to matters of revenue, is overcome by the wording of the statute and the matters there considered.

The usual meaning of the word “year”, in addition to the construction of the repealing statute compels us to state that after December 31, 1951, no allocation can be made under the provision of the now repealed Section 204 of Chapter 37, R. S.

Presumably, allocations are made at a particular time (our understanding is that they are made by your department during the month of December.) It would appear that the effect of Section 2, Chapter 386, P. L. 1951, was to permit allocations made up to December 31, 1951, to be made under the old law and to require subsequent allocations, after December 31, 1951, to be made under the provisions of Section 1, Chapter 386, P. L. 1951.

JAMES G. FROST
Assistant Attorney General

February 4, 1952

To Roland H. Cobb, Commissioner of Inland Fisheries and Game
Re: Section 56-B — canoes

We have your memo of January 30, 1952 asking an interpretation of Section 56-B of Chapter 33, as amended.

That portion of 56-B in which we are interested reads as follows:

“Any boat, except a canoe, maintained for hire and boats furnished by the owners or operators of state licensed boys’ and girls’ camps upon any inland body of water to which the public has right of access shall be properly painted, repaired and fitted with oars. Any canoe maintained for hire upon any inland body of water to which the public has right of access shall be properly painted, repaired and fitted with paddles.”