

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

material intended to prevent intrusion from without or straying from within. To fence in or enclose would mean to construct the above mentioned type of fence.

It would seem from a reading of the statute that the fence or enclosure is for the purpose of aiding in the propagating of game birds, game or wild animals, and that the only proper fence for such a purpose would be one designed to keep those game birds, game or wild animals which are being propagated within the enclosure, thereby preventing their escape and possible damage to adjoining properties and also to keep other animals out.

JAMES G. FROST
Deputy Attorney General

May 16, 1952

To Harold A. Pooler, M. D., Superintendent, Bangor State Hospital
Re: Conveyance of property belonging to husband of inmate

This office is in receipt of your letter of May 8, 1952, relative to a deed sent to an inmate of your institution to be signed by her so that her husband can convey certain portions of his property. You ask if this office would be willing to have her sign the deed and return it to his attorney.

Please be advised that by statute she has a right and interest by descent in estates owned by her husband, which right and interest by descent may be barred by her joining in the same or a subsequent deed conveying that property. It is the opinion of this office that you should permit her to sign such a deed only in a strict condition that the value of one-third of the property, which is in her by right and which she would be eligible to on his death, would be put in trust for her support and maintenance under such terms as are agreeable to you. Such a trust should be an irrevocable trust and not capable of being modified by her husband at a later date.

JAMES G. FROST
Deputy Attorney General

May 19, 1952

To Harland A. Ladd, Commissioner of Education
Re: Official Records, Superintending School Committees

We have your memo of May 1, 1952, in which you ask this department two questions:—

1. Are the official minutes of a superintending school committee in the nature of public records?
2. If the answer to this inquiry is in the affirmative, should such records or certified copies thereof, be available to a citizen or citizens who may have reasonable purposes for wishing to review the recorded actions of the said committee?

The answer to both these questions is in the affirmative.

A public record is one required by law to be kept or necessary to be kept in the discharge of a duty imposed by law or directed by law to serve as a memorial and evidence of something written, said or done. Among records generally regarded as public records are the books of record of the transactions of towns, city councils, and other municipal bodies.

In considering whether or not the records of superintending school committees come within the above definition we find that under section 78, paragraph I the superintendent shall be *ex officio* the secretary of the superintending school committee, and under the second paragraph of that section the superintendent shall keep a permanent record of all its votes, orders and proceedings.

The superintending school committee being a public or municipal body and its records being required by law to be kept, it is our opinion, as above stated, that such records are public records and should be open to inspection by citizens for reasonable purposes and during reasonable times.

JAMES G. FROST
Deputy Attorney General

May 26, 1952

To the Acting Judge Advocate, Presque Isle Air Force Base
Re: Georgia Registrations on Automobiles

This office is in receipt of your letter relative to persons of your command who are using Georgia registrations. We have considered your problem very carefully and consulted with the Deputy Secretary of State and the Chief of the Maine State Police. We do find that the personnel attached to several of the Army and Naval Bases in Maine have abused registration privileges both of this State and of the State of Georgia. There are many instances where bona fide residents of the State of Maine, residents by virtue of our laws and residents under the intent of the Soldiers' and Sailors' Relief Act, have been found purchasing Georgia licenses, and these persons, we feel, we would have every legal right to penalize.

In order that you may fully understand our interpretation of the laws, we state: 1) that any bona fide resident of the State of Georgia may use Georgia registrations on his automobile while in the State of Maine until such time as the registration expires. We feel, further, that he has the right and duty to obtain new registration from the State of Georgia. 2) We feel that residents of States other than Georgia, having registrations from their home States, may, if stationed in Georgia as Army or Navy personnel, use such registrations until expiration and if their home registrations expire while they are stationed in Georgia and they at that time secure Georgia registrations, they may use such registrations while later stationed in Maine until the registrations expire. We feel, however, that such a person, being a resident of a State other than Georgia, should upon expiration of the Georgia registration, apply to the State of which he is a bona fide resident for new registration.

These conclusions are concurred in by this department, by the Secretary of State, and by the State Police. We do think that these conclusions are within