

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

for the calendar years  
**1951 - 1954**

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

the intent of our statutes and within the intent of the Soldiers' and Sailors' Relief Act. This Act, briefly, provides that soldiers do not lose their residence or domicile solely by being absent therefrom in compliance with military or naval orders. A soldier is not deemed to have acquired a residence or domicile in or to have become a resident of another State while and solely by reason of being so absent; but the Act contemplates that, with respect to automobiles the license fee or excise required by the State, Territory, or Possession of which he is a resident or in which he is domiciled, has been paid.

We sincerely hope that these answers have been helpful to you and we should like to hear from you in the event that you disagree with this letter.

JAMES G. FROST  
Deputy Attorney General

May 26, 1952

To Harland A. Ladd, Commissioner of Education  
Re: Six-hour Credits

This office has been asked if our opinion of May 8, 1952, relative to Section 201 of Chapter 37, R. S. 1944, can be interpreted to mean that teachers who do not acquire six semester hours of study within each period of five years are precluded from teaching in the schools of the State of Maine.

Relative to this question it appears that there are several different permits granted teachers in this State, ranging from a certificate to substandard teaching permits. Our opinion of May 8th merely states that the five-year period required in Section 201 cannot be extended further; that is, a year of grace may not be granted in hardship cases. Such a decision does not preclude teachers from being granted substandard permits until such time as they have fulfilled the requirements of Section 201 relative to obtaining another certificate by virtue of their having completed certain educational requirements.

JAMES G. FROST  
Deputy Attorney General

June 3, 1952

To Allan L. Robbins, Warden  
Re: Anthony Rockford

You request me to advise you respecting your letter dated May 29, 1952, with regard to a writ of habeas corpus issued by a Federal judge in Massachusetts in order to bring a prisoner from Thomaston to a special grand jury hearing to be held in Boston on June 5th.

The United States Code, Title 28, 2241, gives the power to issue writs of habeas corpus to any Federal judge, Supreme, Circuit, or District. The statute provides that no writ of habeas corpus shall be issued respecting a prisoner except in five enumerated cases. The first four relate to prisoners in Federal courts, those in custody for violating Federal law, those in custody for violating the Federal Constitution or a treaty, and foreign citizens claiming right or authority under the law of foreign states and the law of nations.