

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

shall be a satisfaction of the prior debt or duty and it is accepted in satisfaction, then it operates as such and bars action on the old debt or duty. As a result of this rule, our office would presently accept, and has accepted in the past, as complying with the financial responsibility law, a covenant not to sue on the part of the injured party, or other evidence showing intent of the parties to accept the note as satisfaction of the original debt. We believe that this rule, as present in the State of Maine, would require the party claiming to have given satisfaction for the damage to show evidence to that effect and that perhaps the answer to this question should be a hearing before the Secretary of State to determine whether or not the acceptance of the note is deemed to be satisfaction of the debt, in which case the maker of the note would not be embraced within the financial responsibility law.

JAMES G. FROST
Deputy Attorney General

October 16, 1952

To Honorable Frederick G. Payne, Governor of Maine
Re: Elections

Mr. Neil Bishop has in the recent past been in contact with this office, reaffirming his belief that the ballot used in the last general election was illegal in that he, as an independent candidate, was not accorded the same individual square above his name by virtue of which a straight ticket could be voted.

This office, of course, believes that in so far as Mr. Bishop's position on the ballot is concerned, such position was legal.

Mr. Bishop has suggested that questions be propounded to the Supreme Judicial Court, seeking their determination of the validity of the ballot. As I recall, he also conferred with you on this question and we were at a later date to discuss it.

Before answers will be given by the Supreme Judicial Court to questions asked by the Governor, the situation from which the questions arise must be of such a nature that the Supreme Judicial Court will conclude that there is a solemn occasion.

Mr. Bishop was advised before the date of the election of the form of the ballot to be used in that election in sufficient time for him to have taken any legal action which might have been necessary to question the validity of the ballot at that time. He having been so advised, it is doubtful if the Court will consider such a question now to be on a solemn occasion.

It further appears that the Legislature will examine the lists of votes and perhaps at that time Mr. Bishop can present his grievance to the Legislature.

At any rate, being of the firm conviction that Mr. Bishop was accorded all due legal rights on the ballot, this office would recommend that questions not be sent to the Supreme Court.

ALEXANDER A. LaFLEUR
Attorney General