

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

This office would appreciate it very much if in the future, when opinions are requested concerning particular provisions of our laws, reference be made to the section which gives rise to the problem. It will expedite answers and be very helpful to this office.

JAMES GLYNN FROST
Deputy Attorney General

May 7, 1954

To Nellie French Stevens, Superintendent, State School for Girls
Re: Defective Mittimus

We have your memo and copy of mittimus issuing from the Western Washington Municipal Court.

You inquire as to the legality of the commitment papers, inasmuch as that portion of the commitment which refers to notice being given to the parent or the guardian and to the Department of Health and Welfare has been x'd out.

Notice or lack of notice in such an instance goes to the jurisdiction of the court and may be ground in future for some legal action. However, I do not feel that any action should be taken by you relative to this matter.

It is our opinion that you should continue holding the girl in your custody until such time as the court might release her, otherwise until she is released under your statute. . .

JAMES GLYNN FROST
Deputy Attorney General

May 11, 1954

To A. D. Nutting, Forest Commissioner
Re: Right of Fire Wardens to Require Assistance

We have your memo in which you raise a question regarding the duties of a State District Forest Fire Warden, as outlined in Chapter 355, Section 72-D, of the Public Laws of 1949:

"The part they refer to is 'shall have and enjoy the same rights as a sheriff to require aid in executing the duties of his office.' We have always thought this referred to his rights to appoint deputy fire wardens, as a sheriff has deputies for his work. However, some of our wardens interpreted it to mean that a state district forest fire warden could appoint a person to act as a deputy sheriff or constable while serving on a forest fire.

"I would like an interpretation as to whether the law means he can appoint only deputy forest fire wardens, or can he appoint someone to serve as a constable or deputy sheriff."

In comparing the right of a fire warden to require the same aid as the sheriff may require in executing the duties of his office, consideration should be given to the statute permitting a sheriff to require aid. We therefore quote in full Section 217 of Chapter 79, R. S. 1944: