

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

On the facts submitted in your memorandum, merely that the Town of Boothbay Harbor appropriates annually a sum of money for the library and that its trustees are elected by the town, combined with the fact that our research discloses that the library is a charitable corporation, we are of the opinion that employees of said library should be covered under an agreement with the Bureau of Internal Revenue rather than under the agreement which your System has with the Town.

JAMES GLYNN FROST
Deputy Attorney General

June 2, 1954

To Honorable Harold I. Goss, Secretary of State
Re: Itinerant Vendors' Deposits

This is in response to your memo asking for an interpretation of the provisions of Section 96 of Chapter 88 of the Revised Statutes.

Under the provisions of the Itinerant Vendor's Law, such vendor must make a deposit with the Secretary of State (Section 86) and it is further provided by Section 96 that such deposit

“shall be subject so long as it remains in his hands, to attachment and execution. . .”

The same section continues in part in the following tenor:

“and the secretary of state if he has in his hands a sufficient sum deposited by such licensee shall pay the sum so specified. . . ; and if the secretary of state shall not have a sufficient sum so deposited he shall make payment as aforesaid, of so much as he has in his hands.”

With respect to these provisions of law you ask if such deposits shall be kept under your control at all times or if they should be deposited with the Treasurer of State.

We are of the opinion that funds deposited by you with the Treasurer of State, which funds have been received under the provisions of the before-mentioned law, are at least constructively in your possession and sufficiently within your possession to comply with the requirement that you be able to pay when so ordered by the final judgment of the court. We think that an orderly procedure for conducting the State's business would call for depositing the money with the Treasurer of State.

JAMES GLYNN FROST
Deputy Attorney General

June 2, 1954

To Lillian Brush, PhD, Secretary, Board of Examiners of Psychologists

. . . The Board, under Section 2 of Chapter 243 of the Laws of 1953, is required to hold at least one meeting which will have the purpose of conducting examinations of candidates who desire to be certified. This is a minimum requirement, and the word “shall” is generally construed to be an absolute order