

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

power is limited to the right to issue and revoke licenses. Obviously, where no license has been issued, there is no power of revocation.

The remedy, if there be one, is to report the alleged crime to the County Attorney of the County of Penobscot and he may bring such action as he sees fit after he has investigated the facts and studied the law.

We in no way intimate that there has been a violation of the law, for the reason that it is the primary duty of the County Attorney to determine that fact, and secondly that there are many cases holding that where the entire transaction takes place in another jurisdiction and the land in question is in a second jurisdiction, the licensing of the broker in the first jurisdiction is sufficient to carry him through, and the mere fact that the property is located in another jurisdiction does not require him to be licensed in that particular State, to recover. Our limited research did not disclose any criminal cases on this particular point.

As you may well wish to forward a copy of this memorandum to the County Attorney for his benefit, I will cite the following cases: *Land Co. v. Fetty*, 15 F. 2d 942 (Ga.); *Aronson v. Cardbone*, 222 N.Y.S. 721; *Tillman v. Gibson*. 161 S.E. 630 (Ga.); *Baird v. Hines*, 225 N.Y. App. Div. 65.

ROGER A PUTNAM
Assistant Attorney General

July 13, 1954

To Mildred I. Lenz, R.N., Educational Secretary, Board of Registration of Nurses

This is in response to your letter of June 24th in which you ask, relative to Section 1, paragraphs two and three, of Chapter 63, the following question:

"If a person is appointed by the Governor to fill a vacancy for an unexpired term of one year, would that individual be eligible for appointment for a full term of five years, inasmuch as she completed another's appointment rather than her own. In other words — does the sentence, 'No person shall be eligible for appointment to succeed herself,' apply to only those members who have a full term appointment, or does it also include those who fill a vacancy for an unexpired term?"

This office is of the opinion that under the law in question a person who has been appointed by the Governor to fill a vacancy for an unexpired term would be ineligible for appointment for a full term, as she would then be succeeding herself. . .

JAMES GLYNN FROST
Deputy Attorney General

July 20, 1954

To Dairy Council Committee
Re: Status

A check of the statutes reveals that the Maine Dairy Council Committee was originally formed under the provisions of Section 2 of Chapter 278 of