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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1951 - 1954

October 7, 1954

To Max L. Wilder, Bridge Engineer

Re: Calais—St. Stephen Bridge

You request my opinion as to whether restrictions must be made on the use of labor and material from the United States in the reconstruction of the International Bridge. Section 40 of chapter 25 of the Revised Statutes requires that in the employment of laborers for construction of State highways, etc., "preference shall first be given to citizens of the State who are qualified to perform the work to which the employment relates, and if they cannot be obtained in sufficient numbers, then to the citizens of the United States, and every contract for such work shall contain a provision to this effect." The wages paid must also conform to prevailing rates for similar work done by the State.

It would seem that this contract could be considered as two separate contracts for the purpose of conforming with the provisions of this section. Although the contract will be for the entire bridge, the law authorizing its construction speaks of one-half a bridge. The construction of the bridge as a unit comes about by virtue of contract. It seems obvious that the spirit of the law would be carried out if approximately one-half of the labor potentiality was supplied under the provisions of this Act. It would not be reasonable to require an exact counting of the number of employees or to insist that only Maine residents work on the Maine side of the bridge. In other words, since in fact the bridge would be one project, it would be reasonable compliance with the law if approximately one-half of the type of labor covered by the law were Maine, or American citizens. If Custom regulations did not conflict, I can see no violation of this law if Canadians were working on the Maine side, or Maine citizens working on the Canadian side.

I know of no provisions of law that would affect the matter of material except the provisions in regard to Maine granite, which do not seem to be involved in this project.

L. SMITH DUNNACK

Assistant Attorney General

October 7, 1954

To Lucius D. Barrows, Chief Engineer, State Highway Commission

Re: Blanket Power of Attorney

It would seem that under the ruling of the Insurance Department the blanket power of attorney for an agent to sign contract bonds would satisfy legal requirements as long as a copy, duly authenticated, was filed with the Insurance Department, with the proper protections in regard to its revocation. I find no ruling requiring special powers of attorney. It is obvious that an individual claiming power of attorney should substantiate that fact, and under the old system had to do it by furnishing the power of attorney. It could be that the agent could be required to have copies of the blanket power of

attorney made and one of these affixed to the bond, but it would seem to me that it would be sufficient for the one exercising this power to refer to his blanket power which is on file.

L. SMITH DUNNACK
Assistant Attorney General

October 12, 1954

To Paul MacDonald, Deputy Secretary of State
Re: Temporary Numberplates

We have your inquiry relative to the time allowable under the provisions of Section 28 of Chapter 19, R. S. 1944, as amended.

The provision in question is as follows:

> "A manufacturer or dealer may, upon the sale or exchange of a motor vehicle, attach to such motor vehicle a set of temporary number plates, and the purchaser of such motor vehicle may operate the same for a period not to exceed 7 consecutive days thereafter without payment of a regular fee."

The question propounded is whether or not, under this law, the day the temporary plates are attached is excluded from the 7-day period. We must answer this in the affirmative. To do otherwise would be to overlook the true and complete meaning of the word "thereafter", as it is used in Section 28, *supra.* This would again refer one to the day of sale or exchange of the motor vehicle.

ROGER A. PUTNAM
Assistant Attorney General

October 14, 1954

To H. H. Harris, Controller
Re: Fees of Chief Forest Fire Wardens

We have your memo asking if chief forest fire wardens working for the Forestry Department may be paid fees for their services.

With respect to classified employees, this office has held, in harmony with the intent seen in Rule 5 of the Rules and Regulations adopted by the Personnel Board, that such employees may not receive fees in addition to their salaries as authorized under the Plan of Compensation.

Your question, however, relates to unclassified employees. This office has expressed orally to the Forest Commissioner the opinion that chief forest fire wardens may, under the provisions of Section 103 of Chapter 36 of the Revised Statutes of 1954, be allowed fees, this by express provision of law, being unclassified employees governed by provision of law other than that governing classified employees. We are of the opinion that where such chief forest fire wardens are by statute "allowed the same fees as a sheriff or his deputy" we cannot amend that law by denying them that right. Such denial would have to come by legislative act.