

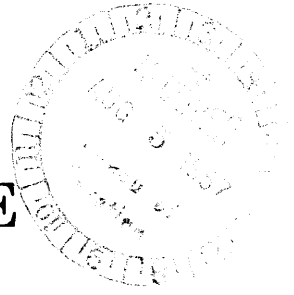
# MAINE STATE LEGISLATURE

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STATE OF MAINE



REPORT  
OF THE  
ATTORNEY GENERAL

for the calendar years  
1955 - 1956

You ask what procedure should now be followed to have this matter properly presented to the court.

We feel that the matter should not be again presented to the trial court or a municipal court, but that the County Attorney should handle the case by way of indictment before the Superior Court. In that way there will be no question of jurisdiction of the trial court.

JAMES GLYNN FROST  
Deputy Attorney General

January 18, 1955

To K. B. Burns, Business Manager, Institutional Service

Re: Repairs at Pownal State School

I have your inquiry of January 17th relating to Chapter 209, Resolves of 1953, which provided funds for certain emergency repairs at Pownal State School.

We note that in the body of this Resolve there is a total sum of money appropriated from the General Fund in the amount of \$97,700. Below that appropriation are set out certain sums against certain repairs to be made, for instance, the sum of \$4500 was allocated to repair the old section of the water reservoir, while the sum of \$14,000 was given to complete the kitchen.

The question arises as to whether the sum of money saved under one subdivision of this appropriation may be used to supplement the funds in another subsection where the funds appropriated therefor have proved insufficient.

It is our opinion that the set-up on this Resolve shows a legislative intent to line-budget the total sum. That being true, the money must be expended only for the purposes indicated and cannot be transferred from one to another. Only the legislature can correct this deficiency.

ROGER A. PUTNAM  
Assistant Attorney General

January 27, 1955

To Ray L. Littlefield, Trial Justice, Scarboro

Re: Suspension of Driving Licenses

We have your letter of January 22, 1955, in which you ask for an interpretation of Section 166 of Chapter 22 of the Revised Statutes of 1954. That section reads as follows:

“In addition to any other penalty provided in this chapter and imposed by any court or trial justice upon any person for violation of any provision of this chapter, the court or trial justice may suspend an operator's license for a period not exceeding 10 days, in which case the magistrate shall take up the license certificate of such person, who shall forthwith surrender the same and forward it by registered mail to the secretary of state. The secretary of state may thereupon grant a hearing and take such further action relative to suspending, revoking or restoring such license or the registration of the vehicle operated thereunder as he deems necessary.”