

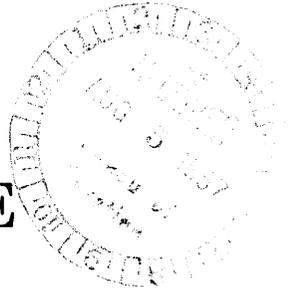
MAINE STATE LEGISLATURE

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STATE OF MAINE



REPORT
OF THE
ATTORNEY GENERAL

for the calendar years
1955 - 1956

You ask if in our opinion legal expenses incurred in maintaining a year-round Democratic headquarters are a reportable expense in accordance with Chapter 9 of the Revised Statutes.

Sections 5 and 7 of Chapter 9 require that within 15 days after any election every treasurer and every political agent shall file an itemized sworn statement of expenses and that every candidate for public office within 15 days after the election at which he was a candidate shall file an itemized statement of his expenses.

It is with respect to these two sections that you ask if the expenses incurred in maintaining the headquarters should be reported.

It is our opinion that legal expenses incurred in maintaining year-round Democratic headquarters are reportable expenses.

The first paragraph of Section 2 of Chapter 9 defines the term "political committee" to include every committee or a combination of three or more persons to aid or promote the success or defeat of any political party or principal in any such election (primary or other elections) or to aid or take part in the nomination or election of any candidate for public office.

Paragraph 2 of said Section 2 defines the term "treasurer" to include all persons appointed by any political committee to receive or disburse moneys *to aid or promote the success or defeat of any such party, principal or candidate.*

Section 4 of Chapter 9 outlines lawful expenditures incurred by any treasurer or political agent and provides that expenses for any other purposes by the treasurer or political agent are not authorized.

It would appear quite clearly that persons maintaining a year-round Democratic headquarters comprise a political committee as above defined, because the purpose is to aid or promote the success or defeat of a political party, principle or candidate.

Maintaining a Democratic headquarters is either a proper expense of a political committee made in furtherance of aiding the Democratic party, or the expense is such that it is not proper under the last sentence of Section 4. We believe the correct answer to be that a year-round party headquarters is a proper expense of a political committee and that an itemized account, as required by Section 5, must be made.

FRANK F. HARDING
Attorney General

September 7, 1956

To Paul A. MacDonald, Deputy Secretary of State

Re: Togus Residents

We have your memo of August 28, 1956, and the attached copy of a letter, as a result of which you ask the following question:

"Can a person acquire a legal voting residence in Maine in accordance with Section 1 of Article II of the Maine Constitution by residing on the government reservation at Togus for a period of six years, and if such residence can be established in this manner, in what city or town would such person be registered?"

Answer. A person may not acquire a legal voting residence in Maine by residing on the government reservation at Togus for a period of six years.

By virtue of Chapter 66 of the Public Laws of 1867 and Chapter 612 of the Private and Special Laws of 1868, legislative jurisdiction was ceded by the State of Maine over Togus to the United States. The only jurisdiction retained by the State of Maine was the right to serve process, and this right relates only to processes arising out of activities which have occurred outside the reservation.

With respect to Togus our Court has stated in *Holyoke vs. Holyoke*, 78 Me. 401:

“The laws of this State do not reach beyond its own territory and liquors sold in the ceded territory (Togus) cannot be considered sold in violation of the laws of this State.”

It thus appears that a person residing on government property, over which the State of Maine has ceded jurisdiction to the federal government, is not residing on Maine property and for this reason cannot acquire a residence in the State of Maine.

JAMES GLYNN FROST
Deputy Attorney General

September 20, 1956

To Harold I. Goss, Secretary of State

Re: Corporations Doing Business in this State

You request an opinion on the following fact situation:

“One of our corporate clients is desirous of maintaining a stock of merchandise in public warehouses and of authorizing independent brokers to make sales from this stock in your state. The corporation does not plan to have a branch office or other salesmen or employees in the State. The brokers, who are to be paid on a commission basis only, will not be exclusive agents of the corporation inasmuch as they act as brokers for many other companies producing a similar line of goods. In case law and statutes we have not been able to find a clear indication that this type of activity constitutes the doing of sufficient business to require the corporation to qualify to do business in your State. We would be most appreciative, therefore, if you would inform us whether it is the policy in your State to require qualification of corporations engaged in similar activities.”

It is the opinion of this office that the activities described above, when conducted within the State of Maine, would constitute the doing of such business as is contemplated by Sections 127 and 128 of Chapter 53 of the Revised Statutes of 1954 and it would therefore be necessary to require qualification in this State by such corporation.

JAMES GLYNN FROST
Deputy Attorney General

October 1, 1956

To Paul A. MacDonald, Deputy Secretary of State

Re: Financial Responsibility Law

In your memo of September 24th you relate that a son, while driving a car borrowed from his mother for his own use, was involved in an accident, as a re-