

MAINE STATE LEGISLATURE

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December 6, 1956

To: Clayton P. Osgood, Chief Dept. Agriculture - Inspection
Subj: Sealers in Unorganized Territories

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You ask who appoints a local sealer of weights and measures to function in unorganized territory.

It is our opinion that sealers to work in unorganized territory must be the Deputy State Sealer and inspectors appointed by the State Sealer. The Commissioner of Agriculture is the State Sealer of weights and measures, Chapter 32, Section 311, R. S., and he may appoint a deputy and inspectors having authority to inspect the work of local sealers and also to perform the work of local sealers, Chapter 32, Sections 314 and 315.

Local sealers are elected by the municipal officers of each town, Chapter 100, Section 202. They may also elect a deputy sealer (Ch. 100, Sec. 202) who need not be a resident of the town and the sealer may, with the approval of the State Sealer, be sealer for several towns, if such be the pleasure of the municipal officers therein.

However, unorganized territory is not included in the definition of town. See Chapter 10, Section 22-XIX. Thus it appears that under existing law a sealer to be appointed locally is not contemplated for unorganized territories. It therefore appears that such function should be performed by the Deputy State Sealer of weights and measures or by inspectors appointed by the State Sealer.

James Glynn Frost
Deputy Attorney General

jgf/c