

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1957 - 1958

certain fees. This would cover the problem at hand and, as I see it, fairly treat both the Commission and the broker or salesman.

ROGER A. PUTNAM
Assistant Attorney General

February 7, 1957

To Doris M. St. Pierre, Secretary of Real Estate Commission

Re: Status of a Co-partnership

We have your memo of February 6, 1957, with regard to the license issued to a partnership known as the "Maine Camp Service" which consisted of two people at the time of issuance. One of the partners is now deceased. The surviving partner wishes to keep "Maine Camp Service" licensed as a partnership with "only a vague possibility that the wife of the deceased member would be a silent partner".

The law is clear that upon the death of one partner, the partnership is dissolved. *Putnam v. Parker*, 55 Me. 235 at 236. Another partnership made up of the survivors of the old partnership or their heirs or assigns would be a new and distinct partnership. Under such a situation a new license would be required and for an analogous situation with regard to motor vehicle registration and dissolution of partnership, see *Gass v. Robie*, 138 Me. 348, holding that a surviving partner had to re-register the automobiles formerly registered in the name of the partnership even though he had purchased the interest of his former partner and continued the partnership under the same firm name.

ROGER A. PUTNAM
Assistant Attorney General

February 12, 1957

To Edmund S. Muskie, Governor of Maine

Re: Governor's Powers when Local Officials Fail to Act

. . . You state that you have an inquiry from a citizen relative to the failure of the County Commissioners to establish a local organization for Civil Defense and Public Safety and their failure to appoint a director of such organization.

Section 9 of Chapter 12 of the Revised Statutes of 1954 requires:

"Each political subdivision of this state is authorized to establish and shall establish a local organization for Civil Defense and Public Safety in accordance with the state Civil Defense and Public Safety plan and program. Each local organization for Civil Defense and Public Safety shall have a director who shall be appointed by the executive officer or governing body of the political subdivision."

You ask what provisions are made in the act for enforcement of the foregoing and what authority and responsibility the Governor may have in connection with the same. Section 19-A appears to be the only section relating to the penalty in the event an officer of a political subdivision neglects any duty lawfully required of him under the provisions of Chapter 12. This section provides for a fine of \$20 for every such neglect.