

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1957 - 1958

July 26, 1957

To: Norman U. Greenlaw, Commissioner of Institutional Services

Re: Chapter 387 of the Public Laws of 1957
Probation & Parole Law

We have your memorandum of July 23, 1957, in which you ask for opinions relative to two sections of the newly enacted Chapter 387 of the Public Laws of 1957.

Section 35 of Chapter 387 reads as follows:

“The Parole Board, the probation officers and each county shall transfer all books, papers, records and property connected with the functions, duties and powers exercised by the Probation and Parole Board for the use of the State.”

Question—“Do the County Commissioners have authority to turn County property over to the State of Maine and does the section give the right to County Commissioners to supply office space to this division of government without charge?”

Answer—The property contemplated to be transferred under this section is personal property only. Office space is not embraced within the section.

Section 5, VI, spells out in part the powers and duties of the Probation-Parole Officer and provides that he will “collect and disburse money according to the order of the Court having jurisdiction. He shall make a detailed account under oath of all fines received, and shall pay them to the appropriate county treasurer by the 15th day of the month following collection.”

Question—“Should these funds be deposited with the State Treasurer and disbursed through the Office of the State Controller to the appropriate person or department?”

Answer—With respect to the last sentence of the paragraph, the duties there to collect fines, etc., do not substantially differ from the duties set forth in Chapter 149, Section 28 of the Revised Statutes of 1954, and we would presume that you would follow the same procedure as has been followed in the past. If under the new law the Court did enlarge the scope of the Probation-Parole Officer with respect to the kinds of moneys he will receive which are not payable to the County Treasurer then such funds should be deposited with the State Treasurer and disbursed in the normal manner.

JAMES G. FROST
Deputy Attorney General

July 29, 1957

To Major General George M. Carter, The Adjutant General

Re: Property Officer's Bond

. . . You ask whether or not the State Property Officer is covered under the comprehensive commercial blanket bond pertaining to State employees in supervisory positions.

Section 11 of Chapter 14 of the Revised Statute of 1954 sets forth the elements of the bond of the State Property Officer, and we herewith quote that section:

“The property officer shall perform such duties relative to the care, preservation and repair of military property belonging or issued to the state as the adjutant general may from time to time direct and shall receipt and account for all property allotted to his custody and make such returns and reports concerning the same as may be required by the adjutant general. He shall give a good and sufficient bond to the state in an amount to be determined by the governor for the faithful performance of his duties and for the safekeeping and proper distribution of all property entrusted to his care.”

You state that the Property Officer does not handle any cash monies as such but does have supervision over the rental of State-owned armories that are rented from time to time to agencies and individuals in and out of the State in accordance with an established rental schedule.

Inasmuch as the statute provides that the amount of the bond of the Property Officer shall be determined by the Governor, it is our opinion that, while the Property Officer may be included in the comprehensive bond, as the coverages of the bond and of the statute are substantially the same, the Governor should expressly approve the amount of the Property Officer's bond. If he approves an amount that can be covered by the comprehensive bond, then it would be our opinion that that officer would be properly included within the blanket bond.

JAMES GLYNN FROST
Deputy Attorney General

July 29, 1957

To Albert S. Noyes, Bank Commissioner

Re: Application for Branch or Agency

. . . You inquire if a bank requesting permission to establish a branch under the provisions of Section 124 of Chapter 59, R. S., which request is refused by the Bank Commissioner, can apply, within a year from the date of the refusal, to establish an agency in the same town for which permission for the branch has been refused.

In our opinion a bank may so apply to establish an agency within a year from the date of the refusal to establish a branch.

Section 124 of Chapter 59, R. S., reads in part as follows:

“No trust company, now or hereafter organized, shall establish a branch or agency until it shall have received a warrant to do so from the bank commissioner, who shall issue such warrant only when satisfied that public convenience and advantage will be promoted by the establishing of such branch or agency, and that the unimpaired capital stock of the parent institution is sufficient to comply with the conditions of section 103, reckoning the aggregate population of its home city or town and of all cities and towns in which it is authorized by its charter to establish branches or agencies, including the one under consideration.”