

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

cannot be presumed that this aid should be given at the expense of the condition and usability of the highways.

L. SMITH DUNNACK
Assistant Attorney General

November 5, 1957

To Richard E. Reed, Executive Secretary, Maine Sardine Council

Re: Contract with Massachusetts Institute of Technology

We are returning herewith a copy of agreement from the Massachusetts Institute of Technology executed by your Council and the Institute. The agreement was referred to this office by the Bureau of Accounts and Control for our approval.

There are two points relating to the contract with which we are concerned and which prevent us from approving the contract.

We note that the contract, when considered in conjunction with other correspondence with the Institute, contemplates that 17½% of the contract price involves work to be done by the Institute for the William Underwood Company. The contract as a whole contemplates research and study on sardines, primarily for an analysis of the packed food for protein, fat, carbohydrates, minerals, etc. A portion of the work, approximately 17½%, includes study of William Underwood's fried sardines and the free liquid packing medium.

We gather from your letter to Mr. F. L. Foster, dated May 14, 1957, that the results of the study of the Underwood sardines would be forwarded to your office in a sealed envelope, which envelope would be immediately forwarded to Underwood, unopened.

While apparently the results of the study on the whole will be made available to Maine industry and State agencies of the State of Maine, the work to be done on the Underwood product will not be made available, but will be sent unopened to the Underwood Company.

We do not conceive it to be the function of a State agency to advance the cause of a single private industry. For that reason we do not approve the contract.

We also point out that under the provisions of Chapter 16, Section 267-II-B, the one paragraph in our opinion which would permit such research project, such project is to be under the joint direction of the Commissioner of Sea and Shore Fisheries and the Maine Sardine Tax Committee. Such statutory requirement compels us to the conclusion that the contract should be approved by the Commissioner of Sea and Shore Fisheries. The contract is not so approved and therefore that is a second reason why we have not approved it.

JAMES GLYNN FROST
Deputy Attorney General

November 6, 1957

To Paul A. MacDonald, Deputy Secretary of State

Re: Transit Plates

We have your memo of October 18, 1957, stating that a dealer in heavy machinery, who is an authorized holder of transit plates issued under the pro-

visions of Section 26-A of Chapter 22, R. S. 1954, raises a question concerning Section 29, subsection I, of Chapter 22.

He states that he had taken 50,000 feet of sawn lumber as payment for a piece of machinery and claims that he has a right to haul this lumber on his truck bearing transit plates, not only to his place of business, but to deliver it to any buyer he can find. The dealer also states that he has taken livestock and other commodities in trade for machinery.

You ask if a dealer can haul lumber and livestock under the circumstances outlined above on transit plates under the authority of Section 29-I.

Answer. Yes.

Section 26-A is that section defining in general the types of equipment which may be moved on the highways under transit plates:

“Finance companies, heavy equipment dealers, farm machinery dealers, trailer dealers, junk dealers and service stations may make application to the motor vehicle dealer registration board upon a blank provided for the purpose for a registration certificate and plate, for the purpose of movement on highways of such vehicles owned or controlled by them.” Section 29-I is that section permitting the moving of trucks for certain purposes:

“No motor truck, tractor or trailer registered under the provisions of sections 21 to 29 inclusive, shall be used for other than demonstration, service or emergency purposes. Provided, however, that when trucks, tractors or trailers bearing dealer or transit registration plates are used for service purposes, such use shall be limited to the transportation of articles and materials directly connected with the purchase and sale of motor vehicles and the maintenance of the properties connected and used with such business.”

We are of the opinion that materials such as lumber taken in payment or part payment in connection with the sale of equipment of the nature set forth in the provisions of Section 26-A (which equipment may be moved on the highways under transit plates) may properly be carried by a vehicle under the “service” portion of Section 29. Such use of a vehicle to transport material taken in trade is a use directly connected with the purchase and sale of the dealer’s equipment.

JAMES GLYNN FROST
Deputy Attorney General

November 6, 1957

To the Honorable Eugene Cook, Attorney General of Georgia

Re: Effective Date of Constitutional Amendments

We have your letter of October 29, 1957, in which you set forth the varying manner in which the several States determine the effective date of constitutional amendments and in which you inquire how the problem is dealt with in our State.

Apparently our Constitution is similar to that of most States, no clear date being given upon which an amendment will be effective. We herewith quote