

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1959 - 1960

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that the Executive Council is now in session at the call of the Governor and not simply because the Legislature has convened in Special Session. Therefore, they should receive twenty dollars (\$20.00) per day and actual expenses as stated in Section 3 of Chapter 11, Revised Statutes of 1954.

There is no statute or constitutional provision stating that they shall be in session while the Legislature is in Special Session.

FRANK E. HANCOCK  
Attorney General

January 21, 1960

To: Mr. Charles E. Crossland  
Vice President for Administration  
University of Maine  
Orono, Maine

Dear Mr. Crossland:

Reference is made to your letter of January 4, 1960, addressed to the Attorney General, questioning whether students of Indian parents are entitled to attend the University tuition free.

I find no specific authority under the laws of this state or in treaties with the Passamaquoddy or Penobscot Indian Tribes entitling Indians to free admission to the University.

As you know, at one time all residents of Maine were entitled to free admission to the university and the law would now appear to be that the Trustees of the University are directed to charge all students a reasonable tuition, determined from time to time, but that "they may abate said tuition to such worthy pupils resident in the State as may be financially unable to pay the same, and to students pursuing the courses in Agriculture and in Home Economics." (See Private and Special Laws of Maine 1913, Chapter 128).

If the trustees feel that an Indian or any other citizen qualifies in respect to the above provisions, they may abate the tuition.

Very truly yours,

STANLEY R. TUPPER  
Assistant Attorney General

January 22, 1960

To: Committee on Judiciary  
Re: Water System — Authority to receive Legacy for  
Attention: George Weeks

We have your request for our thoughts concerning L. D. 1433, an act authorizing the Town of Franklin to receive a legacy for a water system.

There does not appear to be any authority in Chapter 90-A, Revised Statutes of 1954, for a town to maintain a water system without legisla-

tive sanction. L. D. 1433, if interpreted as limiting the Town of Franklin to accept the moneys and not authorize the construction of said water system, would be an authorization to receive money for a purpose for which they have no authority to expend the funds.

It would appear in reading the document that the town is authorized to accept the legacy and to construct and maintain said system. Therefore, I believe the document does contain authority to construct a water system for the Town of Franklin. It does not authorize the establishment of a water district, nor does it authorize them to acquire land by condemnation.

GEORGE A. WATHEN  
Assistant Attorney General

January 25, 1960

Memo to: Judiciary Committee at request of Representative Knight

Re: Extent of Coverage under the Act Relating to the Licensing and Safety Operation of Boats

Chapter 36-A as enacted by Chapter 349, Public Laws of 1959, provides for the licensing and operation of boats. Section 2, Chapter 36-A provides in the definition of a motorboat an exclusion for "a vessel which has a valid marine document issued by the Bureau of Customs of the United States Government or any federal agency successor thereto."

Section 3, Chapter 36-A prohibits the operation of unnumbered motorboats on the waters of this state propelled by machinery of more than 10 horsepower, the exception of those numbered under applicable federal law, or in accordance with the numbering system of another state. "Waters of this state" as used in this section are defined in Section 2 of the act to mean "any inland body of water, wholly or partly within the territorial limits of this State, and all rivers and streams above tidewater."

Section 6, Chapter 36-A is the exemption section which sets forth seven exemptions which are clear in their import. It appears that boats operated on coastal waters are not included in this act.

GEORGE A. WATHEN  
Assistant Attorney General

February 2, 1960

To: Colonel Robert Marx, Chief of State Police

Re: Application of pension laws to the Chief and Deputy Chief

We have your memo of December 4, 1959, in which you ask for our opinion concerning the effect of Chapter 15, section 22, Revised Statutes of 1954, on the Chief and Deputy Chief of the Maine State Police.

Chapter 15, section 22, R. S. 1954, deals generally with retirement of State police officers, and provides that upon being placed upon the pension