

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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Home Finance Agency for federal funds to be used for state planning work leading to a state comprehensive plan.

The Department of Economic Development is empowered through its Commissioner to accept for the State any federal funds approached under the provisions of federal law relating to urban planning and public works and continue such acts as are necessary in carrying out the provisions of such federal law. Section 2, Chapter 38-A, Revised Statutes of 1954, as amended.

Section 4, subsection VIII, provides that the Division of Research and Planning, a division of the Department of Economic Development, is empowered to assist in planning and executing any public or private project involving federal grants for loans, and is responsible for the preparation of a master plan for the physical development of the state. Section 4, subsection VI.

It is our opinion that the Department of Economic Development is a legal entity having the power to (1) accept federal funds through the Commissioner, and, (2) execute planning work leading to a state comprehensive plan pursuant to Section 4, Chapter 38-A.

GEORGE A. WATHEN
Assistant Attorney General

June 29, 1960

To: Harold A. Labbe, Chairman of Real Estate Commission

Re: Minimum Age Requirement of Brokers or Salesmen

We have your request for our opinion with regard to the minimum age required of any applicant for a Maine real estate broker or salesman's license.

After a review of the applicable statutes, it is our opinion that every person desiring to become a licensed broker or salesman must be at least 21 years of age at the time his or her application is made.

THOMAS W. TAVENNER
Assistant Attorney General

July 5, 1960

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

Re: Renewal Application for Salesman's License

We have your request for an opinion as to whether or not the Real Estate Commission can approve Mr. _____ renewal application for a salesman's license. After an examination of the relevant provisions of the Maine Real Estate law, it is our opinion that the Commission can grant Mr. _____ a non-resident salesman's license, but should not grant him a resident salesman's license.

The real estate license law, R. S. 1954, c. 84, section 10, permits the Commission to issue licenses to non-resident salesmen who comply with the requirements for resident salesmen. Nowhere in the law is there any

provision limiting licenses to applicants who operate in the State of Maine. For this reason, it is our opinion that a qualified salesman selling Maine real estate is entitled to a license even though his activities are carried on in another State.

THOMAS W. TAVENNER
Assistant Attorney General

July 6, 1960

To: Steven D. Shaw, Administrative Assistant, Executive Department

Re: Maine Port Authority Re Annual Report

I have your request concerning whether or not an annual report is required to be made by the Maine Port Authority.

Section 1 B of Chapter 114 of the Private and Special Laws of 1929 provides in part — “. . . it shall keep account of its income and expenditures, property and liabilities, in manner approved by the State Auditor, who shall audit its books of accounts at least once a year, and it shall make an annual report of the condition of its property and finances to the Governor and Council . . .”

The same language was reiterated in Chapter 5 of the Private and Special Laws of 1941, and Chapter 99 of the Private and Special Laws of 1947. The latest amendment, Chapter 79 of the Private and Special Laws of 1959, left the language requiring the annual report intact. Therefore, an annual report should have been made to the Governor and Council as required by statute.

GEORGE A. WATHEN
Assistant Attorney General

July 12, 1960

Dean Mark R. Shibles
Chairman, Maine School
District Commission

University of Maine
Orono, Maine

Dear Dean Shibles:

I have your request for an opinion regarding the validity of the formation of School Administrative District No. 15, composed of the towns of Gray and New Gloucester. I have checked the organizational reports and orders in the commission files relating to the formation of this district and find them to be in order. The Certificate of Organization has been issued pursuant to the statutes and all steps in the formation of the district are in order.

In my opinion this district is properly formed pursuant to the Sections 111-A to 111-U, of Chapter 41 of the R. S. of 1954. I am also of the opinion