

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

1959 - 1960

MAINE STATE
LIBRARY

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

that the so-called Sinclair Act is constitutional in its present form. Therefore, it is my opinion that this district is a legal entity capable of exercising all of the rights, powers and duties granted under the statute provided therefor.

Very truly yours,

GEORGE A. WATHEN
Assistant Attorney General

July 12, 1960

To: Motor Vehicle Dealer Registration Board

Re: Transit Plates

In reply to your oral request for an opinion concerning the authority of the Board to issue transit plates to the Company, I have found the following facts: The Company requested transit plates for the purpose of moving their motor vehicles to garages in Greenville and Ashland for repairs. These vehicles are used for non-highway purposes and are not registered under Sections 13-20, Chapter 22 of the Revised Statutes of 1954. The Company also uses these plates for transporting these vehicles over public highways when being traded with local dealers for new vehicles. Filling stations for company vehicles are maintained and the Company made application as a filling station or garage.

It would appear that the transit plates were not issued on a temporary basis for the purpose of moving new motor vehicles from the point of manufacture or delivery outside the State to points within the State.

I do not believe that the Board has authority to issue transit plates for the purposes requested by the Company. Subsection I, D, Section 16, Chapter 22, provides for movement of certain vehicles for limited purposes on a so-called "transporter permit." It is possible that facts may warrant the issuance of a transit plate to a service vehicle under Section 29, I, Chapter 22, but we are not presently concerned with that matter.

GEORGE A. WATHEN
Assistant Attorney General

July 19, 1960

To: George Davis, Chairman of Maine Automobile Dealers Registration Board

Re: Transit Registration Plates

I have your request for an opinion from this office regarding the issuance and use of transit registration plates. Your questions are divided into categories consistent with the types of business involved, and I shall attempt to answer in the same manner. It might be well to digress and establish certain basic principles which will be common to all the matters