

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

for the calender years

1961 - 1962

January 30, 1961

To: John F. Weston, Chairman of Harness Racing Commission

Re: Awarding of Dates

We have your request for an opinion dated January 27, 1961, as to whether or not the Commission can award dates now for the 1962 season.

Revised Statutes of Maine of 1954, Chapter 86, Section 11, says that the Commission, under certain conditions, may issue a license which expires on the thirty-first day of December. This provision is not discretionary but is mandatory. No license can be issued which will extend beyond December 31st. Later on in that same section the Commission is directed to assign such dates for harness racing as will best serve the interests of the agricultural associations in Maine. This power to assign dates is ancillary to the power to grant licenses. In other words, the Commission cannot issue any license which will extend beyond December 31st and the power to award dates is likewise limited.

This section also states that the Commission may refuse to issue any permit for any date which would be detrimental to the interests of the agricultural associations or any of them. In awarding a date a year in advance, it would seem that the Commission would find it very difficult to take into consideration all of the factors which must be considered in regarding the interests of the various agricultural associations.

For these reasons it is our opinion that the Commission cannot award dates beyond the expiration of the calendar year in which the award is made.

THOMAS W. TAVENNER

Assistant Attorney General

February 1, 1961

Honorable Robert L. Travis

Councilor

Council Chambers

State House

Augusta, Maine

Dear Mr. Travis:

This is in response to your oral request of yesterday concerning compatibility of legislator and private detective.

Our records show that in the past the office has said that nothing would prevent a detective from being a legislator. It does not appear that any of the constitutional provisions placing limitations of qualifications on seats in the legislature would apply to a private detective.

Very truly yours,

JAMES GLYNN FROST

Deputy Attorney General