

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT  
OF THE  
ATTORNEY GENERAL

for the calender years

1961 - 1962

February 15, 1961

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

Re: Non-resident applicants on a part-time basis

This is in answer to your request dated February 8, 1961, for an opinion.

As I understand from your memorandum, a college professor domiciled in another state will be resident in the State of Maine during his summer vacations and has requested a real estate salesman's license. You have inquired as to whether or not such a license can be granted after examination.

There are no resident requirements under the real estate law. An individual who opens a place of business in the State of Maine can immediately apply for a resident license. Section 10, Chapter 84, of the real estate licensing law does not apply in this case since Section 10 only applies to non-resident salesmen and real estate brokers. In the instant case under the present law, the college professor would not be considered a non-resident broker but would have a right to apply for a resident license.

RICHARD A. FOLEY

Assistant Attorney General

February 17, 1961

To: John J. Shea, Director of Probation and Parole

Re: Detention of Probation Violators

We have examined the material submitted to this office by you along with the oral request that we consider same, with the question being whether Probation-Parole Officers have the right to make an arrest of a probation violator before consulting with the court having jurisdiction of the individual.

Prior to the 1957 Special Session amendment of the Probation and Parole Law, there existed some question as to the propriety of a Probation-Parole Officer's arresting a probation violator before reporting the matter to the court and obtaining an order for the return of the probationer.

While Section 7, Chapter 387, Public Laws of 1957 (enacting Chapter 27-A of the Revised Statutes) places in the officer the same authority with respect to the probationer as a surety might have upon a recognizance, still the provisions of Section 8 would cause such officer to hesitate before arresting a violator without advising the court prior to such arrest.

"Sec. 8. Person violating probation. When a probationer violates a condition of his probation, the Probation-Parole Officer shall forthwith report the violation to the Court, or to a Justice of the Court in vacation, which may order the probationer returned. After hearing, the Court or Justice may revoke the probation and impose sentence if the case has been continued for sentence or if imposition of sentence has been suspended, or may order the probationer to serve the original sentence where its execution has been suspended." Chapter 387, Sec. 8, Public Laws 1957.

However, amendments to Section 7 as enacted by Chapter 428, Public Laws