

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

for the calender years

1961 - 1962

August 2, 1961

To: A. Edward Langlois, Jr.
General Manager
Maine Port Authority
Maine State Pier
Portland, Maine

Dear Ed:

This is in answer to your request for an opinion dated July 12, 1961.

You have inquired whether or not the Maine Port Authority has authority to construct and maintain a pier on Long Island Plantation and expend the funds appropriated under Chapter 217, Private and Special Laws of 1961, for the purpose of constructing and maintaining said pier.

I find no specific authority granted to the Port Authority to construct and maintain a pier on Long Island Plantation, but under Chapter 5, Private and Special Laws of 1941, Section 1(d), the Port Authority with the consent of the Governor and Council may receive by gift, grant, devise or bequest any real property not otherwise authorized or permitted. It would be permissible to receive as a gift the existing pier on Long Island Plantation and expend the funds appropriated under Chapter 217, *supra*, for the improvement and maintenance of said pier.

I also find authority under Chapter 5, Section 1(d), *supra*, to hire, lease and rent from others any property deemed desirable for the Port Authority's purpose.

I would conclude, therefore, that the Port Authority, with the consent of the Governor and Council, could accept as a gift the Long Island Plantation Pier and expend money for its improvement or enter into a lease agreement for said pier.

You have also inquired whether or not the Port Authority can charge reasonable fares for transportation to Long Island Plantation.

Chapter 125, Section 2, Private and Special Laws of 1959, provides as follows:

"Ferry service for North Haven, Vinalhaven, Islesboro, Swan's Island and Long Island Plantation. It shall be the duty of the Maine Port Authority to operate a ferry line or lines between the mainland and the Towns of North Haven, Vinalhaven, Islesboro and Swan's Island for the purpose of transporting vehicles, freight and passengers to and from said towns, and the Maine Port Authority may operate such ferry line or lines to and from Long Island Plantation."

The words underlined, that is, "such ferry line or lines" refer to the Penobscot Bay Ferry Line running to North Haven, Vinalhaven, Islesboro and Swan's Island. Thus the Long Island Plantation ferry service could be operated as a spur line of the Penobscot Bay Ferry Line.

Section 4, Chapter 190, Private and Special Laws of 1957, provides that:

"The Maine Port Authority shall operate such ferry line or lines as a toll system to retire the bonds issued as provided by this act and to provide for all expenses and maintenance incurred hereunder. . ."

Since one of the expenses of the Port Authority would be the operation of a

ferry service to Long Island Plantation, I conclude that the Port Authority can properly collect a toll on the Long Island Plantation Ferry Service.

You ask whether or not one of the ferries now used on the Penobscot Bay Ferry Line may be used to give limited service to Long Island. I am of the opinion that it is within the discretion of the Port Authority to either use one of the Penobscot Bay ferries for service to Long Island Plantation or contract for such a service to Long Island Plantation with a contract carrier using a smaller ferry. Should one of the Penobscot Bay ferries be used, it would be proper to charge against the Long Island Plantation appropriation charter hire for use of the Penobscot Bay ferry.

I believe this letter substantially answers the various questions proposed by you and if you require further elaboration, we would be glad to furnish it.

Very sincerely yours,

RICHARD A. FOLEY

Assistant Attorney General

August 4, 1961

To: S. F. Dorrance, Assistant Chief of Division of Animal Industry, Agriculture Department

Re: Enforcement of Provisions of Dog License Laws

You have asked the following question:

"Providing the municipal officers issue a warrant to a police officer, constable or humane agent on July 15, for the collection of delinquent dog license fees, are said officers entitled to the \$2.00 fee for carrying out their duties as provided for in the June 1, warrant?"

Section 14, Chapter 100, as amended in 1955, 1957 and 1961, provides for two different warrants for two different purposes. The same section, together with section 15, provides for two different \$2.00 fees for carrying out the provisions of the warrants.

The first warrant may, after September 16, 1961, be issued by either the municipal officers or State humane agents within ten days from the first day of June, returnable on the 15th day of July to one or more police officers or constables directing him or them to proceed forthwith to enter complaint and summons to court the owner or keeper of any unlicensed dog. The police officer or constable shall, before entering the complaint and obtaining a summons, call on the owner or keeper and demand the license fee. If the owner pays the license fee, he shall also pay the officer's fee of \$2.00. This must be done before the 15th of July.

The next warrant shall be issued by the municipal officers of State humane agents on the 15th day of July to one or more police officers or constables, returnable on the first Monday of the following February directing him or them to seek out, catch and confine all dogs within such municipality which are not licensed, collared and tagged, or enclosed, and to enter complaint and summons to court the owner or keeper. The court may order the police officers or constables to sell, give away, kill or cause to be killed, each dog after being detained by him or them for a period of six days.