

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

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.

Section 15 provides that each police officer or constable must return the warrants at the time specified. The officer shall receive from the city, town or plantation, the sum of \$2.00 for each dog killed or otherwise disposed of and they may receive such further compensation as the municipal officers may determine for other services rendered under the provisions of sections 9 to 28.

In your question you have mentioned the municipal officers issuing a warrant to a humane agent. The statute does not provide for the issuing of a warrant to a humane agent, but only to police officers or constables. I might point out that by the 1961 amendment the State humane agents may issue the warrants rather than the municipal officers, but the State humane agent may not execute the warrants.

You will note the distinction that on the June 1 warrant the officer or constable shall collect his \$2.00 fee from the owner of the dog in the event the owner does license the dog after being so requested by the officer or constable.

The city, town or plantation is responsible for paying the police officer or constable \$2.00 for each dog killed or otherwise disposed of under the second warrant and subsequent court order.

GEORGE C. WEST
Deputy Attorney General

August 4, 1961

To: Carleton L. Bradbury, Commissioner of Banks and Banking

Re: Pepperell Trust Company

I have been over the file which you left with me as well as the banking laws.

I find nothing in the banking laws which would indicate that you, as Banking Commissioner, should become involved in the internal affairs of a bank, except where the matter would adversely affect the public.

It seems to me that the only function which you have in this particular matter is to see that nothing is done by the bank officials to adversely affect the capital structure of the bank.

GEORGE C. WEST
Deputy Attorney General

August 4, 1961

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

Re: Chapter 399, Public Laws of 1961

You have requested an answer to the following question:

“Is the money that is to be divided among the licensees based on the number of racing days granted by the commission or on the number of days actually raced?”

The second sentence of Chapter 399, Public Laws of 1961 provides:

“This sum shall be divided equally among the licensees in the proportion that the number of racing days of a licensee *granted* (Emphasis supplied) by the Commission bears to the total number of racing