

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

all citizens by any administrative or legislative body of the State or any political subdivision of the State, which body is composed of three or more members. Section 38 provides that all public proceedings shall be open to the public and all persons be permitted to attend any meetings of these bodies or agencies and any minutes of such meeting shall be promptly recorded and open to public inspection except as otherwise specifically provided by statute.

Section 40 provides that every citizen of this State shall, during the regular business or meeting hours of all such bodies and on the regular business premises of all such bodies, have the right to inspect all public records including minutes of meetings and to make memoranda abstracts or photographic or photostatic copies of the records or minutes inspected except as otherwise specifically provided by statute.

There can be no doubt that the minutes of any meetings of the Commission are open to public inspection at their regular business premises in Orono. This would include any reports which are presented to and accepted by the Commission by its vote.

This would not include field notes, data, computations or other material made up by employees of the Commission from which reports are made to and accepted by the Commission. This so-called working material, although not necessarily confidential, is not within the framework of the Right to Know law and, therefore, may or may not be released by the Commission as it sees fit.

In this particular case, if there are any minutes of meetings of the Commission or any reports which the Commission has accepted at its meetings which you wish to see, you have the perfect right to inspect those records at their place of business in Orono during regular business hours. There is nothing in this law which requires a body or agency coming under the law to forward this information to anyone unless it so desires.

If you wish to see the working figures, data, notes or other material used by its employees in arriving at conclusions contained in the reports, it is entirely within the discretion of the Commission as to whether or not it will release this information to any person.

I trust that I have explained this law sufficiently so that there can be no misunderstanding as to its meaning.

Very truly yours,

GEORGE C. WEST

Deputy Attorney General

May 15, 1962

To: Orville T. Ranger, Administrative Hearing Officer

Re: Travel Expenses

We have your request of May 15th for an opinion with regard to the following questions:

1. Is the Hearing Officer, under Chapter 20-A, entitled to travel expenses on the days he travels to the State House for routine office work?
2. Is the Hearing Officer, under Chapter 20-A, entitled to travel expenses

when he travels to the State House to conduct hearings or to do other work connected with a particular case?

These points are covered in the Council Order of January 11, 1961, which Council Order purports to give the State Controller instructions with regard to the allowance of expense accounts to State employees. This Council Order points out that no official of the State shall be reimbursed for meals, lodging or travel expenses at his official headquarters or at points within a reasonable distance therefrom, except when a statutory provision expressly provides differently or unless in the opinion of the State Controller the changes are justified as involving less expense to the State or are necessary because of unusual circumstances. An example of an instance in which a statutory provision expressly provides for travel and lodging expenses can be found in Revised Statutes, Chapter 20, section 1. In this section it is specifically stated that the Attorney General shall receive actual expenses incurred in the performance of his official duties while away from his home.

Under section 7 of the Administrative Code (R. S., Chapter 20-A) the Hearing Officer is entitled to actual and necessary expenses in the performance of his duties. It should be noted that there is no mention of expenses incurred while he is away from his home.

It is our opinion that the official headquarters of the Hearing Officer is in Augusta and that the aforementioned Council Order therefore precludes the inclusion of travel expenses by the Hearing Officer to and from Augusta. He would be entitled, however, to travel expenses to and from any other point in the State.

We are enclosing a photostatic copy of the Council Order referred to above.

THOMAS W. TAVENNER

Assistant Attorney General

May 17, 1962

To: Paul A. MacDonald, Secretary of State

Re: Interpretation of Public Laws 1961, Chapter 324

Reference is made to your memo of April 2, 1962. You have asked three questions relative to this law.

Question 1: May a court suspend a nonresident license?

Answer: No.

Chapter 61, § 51-B, states that upon a conviction of knowingly transporting or permitting transportation of intoxicating liquor by a person under 21 years "the court shall *suspend the operator's license*, if any, for a period of 10 days." (Emphasis supplied) This section further provides that the court shall forward to the Secretary of State the license and a record of conviction. The court may recommend a further suspension for an additional period not to exceed 60 days.

The Secretary of State "*shall suspend the license, or right to operate, or right to obtain a license*, of such person for the recommended period. . . ." (Emphasis supplied)

It is to be noted that the legislature gave the court the right to only "suspend the license" of the violator. A court may only suspend a license over which it has jurisdiction. A Maine court has jurisdiction only over a Maine license. Therefore, a court may not suspend the license of a nonresident.