

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

For The Calendar Years

1963 - 1964

The above-quoted portion must be read with the supplied emphasis. It is most important to the answer of the proposed question.

Any ticket, certificate, slip, bill or token must purport or be designed to guarantee or assure the holder a chance of drawing or obtaining a prize drawn in a lottery. It must be admitted that the New Hampshire Sweepstakes is a lottery. But does the paper possessed by the purchaser of a chance purport to, or is it designed to, guarantee or assure the holder of a chance of obtaining a prize?

The wording on the paper is self-explanatory. It is a mere acknowledgment of purchase and "need not be retained or presented for payment." The New Hampshire Sweepstakes Commission holds possession of all sweepstakes tickets.

Therefore, the mere possession of a New Hampshire Sweepstake acknowledgment, receipt (or whatever it may be denominated) does not constitute a breach of Maine law.

FRANK E. HANCOCK
Attorney General

March 27, 1964

To: Governor John H. Reed

Re: Appointment, Motor Vehicle Dealer Registration Board.

You have asked about the legality of appointing a certain individual to the Motor Vehicle Dealer Registration Board.

The Board is composed of "5 members, 2 of whom shall be new motor vehicle dealers, 2 of whom shall be used motor vehicle dealers and one of whom shall be a person other than a motor vehicle dealer." *Ch. 22, § 21.*

There is a vacancy to be filled by a "used motor vehicle dealer." The person in question is President and a Director of a Maine corporation having a new car franchise. He is also Treasurer and a Director of a Maine corporation selling used cars exclusively. This information is obtained from the corporation records of the Secretary of State's office.

The legislative intent is easily ascertainable to be that of an equal number of persons representing new car and used car dealers with a non-dealer holding the balance. To allow an executive officer of two corporations, one selling new cars and one selling used cars, to be appointed would create an unbalanced board. Such a person would be trying to serve two masters which is bad.

Such a person is not eligible for appointment to the Maine Motor Vehicle Dealer Registration Board.

GEORGE C. WEST
Deputy Attorney General

April 2, 1964

To: Marion E. Martin, Commissioner, Labor and Industry

Re: Power and Duty of Board of Construction Safety Rules and Regulations to Adopt Rule