

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

For the Years
1967 through 1972

and such other information as required by the bureau.

“4. Transmittal of information. In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the bureau pursuant to this section shall be transmitted to said official or agency of the United States.”

The transmittal of the contents of accident reports is specifically restricted according to the terms of subsection 4 of the above-quoted statute. Had the legislature intended to make the contents of said reports available for public inspection, it clearly would have expressly provided therefor.

It may well be that in the future the legislature may see fit to make boating accident reports as readily accessible to public inspection as motor vehicle accident reports. In regard to the latter, 29 M.R.S.A. § 891 provides that the Chief of the State Police may furnish photocopies of motor vehicle accident reports to any person requesting same. Whether or not the Bureau of Watercraft Registration and Safety should have similar authority in regard to revealing the contents of boating accident reports is purely a matter for the legislature to determine. As the law now stands, however, we do not believe such authority can be implied.

By requiring individuals to submit reports of boating accidents, we believe that the legislature intended that such information should be elicited by the Bureau only as a basis for gathering information and data as an aid toward a greater understanding of boating accident causation and abatement of same.

PHILLIP M. KILMISTER
Assistant Attorney General

January 18, 1968
Public Utilities

David K. Marshall, Chairman

Issuance of Findings of Public Utilities Commission to House of Representatives Per Order.

FACTS:

On January 12, 1968, the House of Representatives ordered that the Public Utilities Commission be directed to report, by January 19, 1968, to the House of Representatives “its findings relating to the natural gas shortage and resulting explosion in the South Portland area.”

Presently, the Commission is conducting an investigation of the reference natural gas shortage pursuant to 35 M.R.S.A. § 141. The reference section contains the following language, inter alia:

“ * * * Neither the order nor recommendation of the Commission nor any accident report filed with the Commission shall be admitted as evidence in any action for damages based on or arising out of the loss of life or injury to the person or property referred to in this section.”

QUESTIONS:

1. Whether or not the Commission may issue findings to the House of Representatives pursuant to the instant order notwithstanding the provisions of 35 M.R.S.A. § 141?

2. If so, do the statutes of the State of Maine contain any prohibition precluding the Commission from complying with the Order of the House of Representatives?

ANSWERS:

1. Yes.
2. No.

REASON:

First, it is noted that the House Order requests "findings" from the Commission; and that Section 141 of Title 35 uses the word "order" in establishing a particular bar relative to the use of the Commission's order.

In the event that an order contains findings, the Commission's issuance of its findings to the House relative to the legislative mandate constitutes compliance with that mandate. We do not interpret the above-quoted bar as precluding the Commission from complying with the House Order.

Our examination of the plural provisions of the Maine Statutes fails to reveal the existence of language prohibiting the Commission from complying with the House Order.

JOHN W. BENOIT
Assistant Attorney General

January 25, 1968
Maine Recreation Authority

Lloyd K. Allen, Manager

Insurability of Recreational Project Loans Contracted for Prior to Effective Date of Me. Rev. Stat. Ann., Tit. 10, § 6003 (2) (Supp. 1967).

FACTS:

Me. Public Laws 1965, ch. 495, created the Maine Recreation Authority. One of the principal purposes of the Authority is to pledge the full faith and credit of the state to insure payments made by local recreational development corporations on their mortgages to lenders. One of the criteria for eligibility of a recreational project loan for Authority insurance under the creating act was that the principal obligation, including initial service charges and appraisals, inspection and other fees approved by the Authority, had to be at least \$50,000 and not exceed 90% of the project cost.

On May 11, 1967 the Authority, pursuant to vote duly taken at its meeting held that day, executed a conditional insurance agreement. Such conditional agreements are the first step toward insurance, by the Authority, of recreational project loans. They contain a formal recital that the project is eligible for insurance and that the lender is responsible, and also bind the Authority to insure the loan payments once the project is completed to the satisfaction of the local development corporation and leased to a tenant. The principal amount of the note pursuant to whose terms payments, to be insured by the Authority, were to be made, was recited as \$67,000 and such sum was further recited as less than 90% of the project costs as determined by the Authority.