

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

For the Years
1967 through 1972

establishment of administrative procedures to be utilized to handle mental retardation problems; provided, of course, that both funds and personnel are available.

JOHN W. BENOIT
Assistant Attorney General

March 7, 1968
University of Maine – Orono

Jay Bryant, Producer-Director

Town Meeting and Right of Privacy

FACTS:

It is proposed that the Maine Educational Television Network Televises a town meeting live.

QUESTION:

Whether a town meeting is a “public” event, in the sense that persons who participate in it are, by that fact, abrogating their rights to privacy for the period of the meeting.

OPINION:

Yes, to a limited extent.

REASON:

A town meeting exists for the purpose of accomplishing both legislative and executive functions. The powers of the town are exercised by vote of a town meeting *Pollard v. City of Norwalk*, 142 A. 807, 108 Conn. 145; *In re Opinion of the Justices*, 154 A. 647, 51 RI 322. The qualified inhabitants of a town must meet, deliberate, act, and vote in their natural and personal capacities if the corporate powers of the town are to be exercised.

The public does have an interest in knowing of most events which occur at a town meeting and certainly of those events which can be said to be truly public in nature. However, there can be no guarantee that the telecasting of those events would not result in litigation being brought against the Network.

Generally, a person’s right of privacy is waived (as to publicity of public events) by his participation in the particular public event.

GARTH K. CHANDLER
Assistant Attorney General

March 8, 1968
Labor and Industry

Marion E. Martin, Commissioner

Authority of Commissioner of Labor and Industry to Enter into Reciprocal Agreements with other States.

FACTS:

The Legislature of the State of Arkansas enacted legislation which authorized its Commissioner of Labor to enter into reciprocal agreements with other states for assistance and cooperation in enforcing and implementing laws and projects relating to the field of labor. By correspondence under date of January 25, 1968, the Commissioner of Labor of the State of Arkansas has inquired whether the State of Maine, acting through its Commissioner of Labor and Industry, would be desirous of entering into a reciprocal agreement governing the collection of wages and other related labor matters of mutual interest between the two states.

QUESTION:

May the Commissioner of Labor and Industry, on behalf of the State of Maine, enter into a reciprocal agreement with the Commissioner of Labor of the State of Arkansas, which agreement provides for mutual assistance in the collection of wage claims and other related labor matters?

ANSWER:

No.

OPINION:

The Commissioner of Labor and Industry of the State of Maine cannot enter into reciprocal agreements with other states absent statutory authority to do so. The law is rather clear that the legislative body of a given state must authorize the execution of reciprocal agreements or contracts with other states.

The general law relative to interstate agreements is summarized in 81 C.J.S. (States) § 10 page 905 and reads in part as follows:

“Generally, contracts between states are made by the acts of their legislatures. In so doing, no technical terms need be used; any terms are sufficient which would give rise to a contract between a state and an individual.

“ Without reference to the constitutional authorization of compacts between states, *it has been held that a statute may authorize an administrative official to enter into reciprocal agreements with authorities of another state with respect to certain matters*, and that an agreement made pursuant thereto is valid if it does not conflict with the laws of the state.” (Emphasis supplied)

It might be well for the State of Maine to empower the Commissioner of Labor and Industry with authority to enter into reciprocal agreements with the various states relative to such matters as wage collections. This is strictly a decision for the Legislature to determine, however.

PHILLIP M. KILMISTER
Assistant Attorney General