

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

NOVEMBER 30, 1918

MERRILL & WEBBER CO., AUBURN, MAINE

PRINTERS AND BOOKBINDERS

We must assume that by mutual agreement the hours of labor of Mr. Bragdon were arranged so that for four nights he worked eleven and three-fourths hours and for one night eleven hours. The total hours of labor in the week were fifty-eight. The fact that the number of nights of labor were lessened and the number of hours per night were increased does not, under the ruling of Justice Cornish, change the rule. Mr. Bragdon was paid for fifty-eight hours and there is nothing in the facts presented to me to indicate that he received a different wage per week on account of the fact that he worked nights and only five nights and varying hours per night than he would have received had his hours of labor been distributed over six days of nine and two-thirds hours each or six days of varying hours of labor but totaling fifty-eight hours altogether.

In short, I will say that it is my opinion that Mr. Bragdon's weekly wages of \$9.75 should be divided by six giving \$1.625; multiplied by three hundred giving \$487.50; divided by fifty-two giving \$9.375; then one-half thereof is \$4.687 the amount of compensation per week to which Mr. Bragdon is entitled.

Yours very truly,

GUY H. STURGIS,

Attorney General.

MOTOR VEHICLES—REVOCAION OF OPERATOR'S LICENSE FOR CONVICTION OF CRIME IN NEW HAMPSHIRE.

21st August, 1918.

Hon. Frank W. Ball, Secretary of State, Augusta, Maine.

DEAR SIR: I have your letter of August 2d, asking whether you have authority to revoke the license of a citizen in Maine to operate a motor vehicle, after such citizen has been convicted of driving an automobile while under the influence of intoxicating liquor, by a court in the State of New Hampshire. Chapter 213, Section 3, Public Laws of 1917, provides:—

“If any motor vehicle is so driven in a reckless manner or by a person apparently under the influence of intoxicating liquor, it shall be the duty of every officer who is charged with enforcing the laws of the state, and of every citizen thereof, to report the same to the secretary of state, at once, giving the number on the number plates of the vehicle, the state regis-

tering the same, and if known, the name and residence of the operator or owner. Upon receipt of such complaint the secretary of state shall forthwith investigate the case and shall have authority to suspend the license of such operator and also to annul the registration of the vehicle so operated, for such time as he shall deem advisable."

A careful reading of this section, and the previous section of the same chapter, dealing with the different phases of the same subject, shows that the legislature of the State of Maine did not limit the authority of the secretary of state to revoking the license of a person operating an automobile while under the influence of intoxicating liquor, to such acts occurring within the borders of the State of Maine.

The provisions of the law are general, and not limited. A person licensed to operate an automobile in Maine, operates that automobile in other states by virtue of the authority conferred upon him by this state. The license to operate is given upon the condition that he shall not operate an automobile while under the influence of intoxicating liquor, and, it is our opinion that this condition extends as far as the license extends, and that when the condition is violated, the secretary of state of Maine has full authority to act.

Accordingly, we advise you that if a citizen of this State, operates an automobile while under the influence of intoxicating liquor, his license may be revoked, whether the act of operating while under the influence of intoxicating liquor, occurs within or without the borders of the State.

Very truly yours,

FRANKLIN FISHER,

Assistant Attorney General.

SAVINGS BANKS—RIGHT TO INVEST IN ELECTRIC RAILROAD SECURITIES.

Portland, Maine, 21st May, 1917.

Hon. Irving E. Vernon, Bank Commissioner, Portland, Maine.

MY DEAR MR. VERNON: In reply to your request for construction of Chapter 147 of the Public Laws of 1917, will say that in my opinion savings banks and institutions for savings are restricted to and hereafter may invest their deposits in the bonds of electric railroads constructed in this State of Maine, subject to the provisions of Clause 1 of Paragraph F of said Act.