

# MAINE STATE LEGISLATURE

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**PUBLIC DOCUMENTS**

OF THE

**STATE OF MAINE**

BEING THE

**REPORTS**

OF THE VARIOUS

**PUBLIC OFFICERS  
DEPARTMENTS AND  
INSTITUTIONS**

FOR THE TWO YEARS

**JULY 1, 1926 - JUNE 30, 1928**

PUBLIC DOCUMENTS, 1926-28

(Explanatory Note)

Three reports in this volume cover periods in variance with the given biennium. They are as follows:

1. The report of the Attorney General covers the period from 1924 to 1928.
2. The report of the Bangor State Hospital covers the period from 1919 to 1928.
3. The report of the department of Inland Fisheries and Game covers the fiscal year ending June 30, 1928. No printed report was made for the fiscal year ending in 1927.

# STATE OF MAINE

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REPORT

OF THE

# ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

JUNE 30, 1928

May 1, 1928.

*Hon. Ralph O. Brewster, Governor of Maine, Augusta, Maine.*

MY DEAR GOVERNOR: The Federal Government is exceedingly exacting in the expenditure of its funds. Under the direction of the Federal authorities in charge of the Federal Aid Funds for road building, there was incorporated in our State Highway contracts several years ago the following provision:

"Preferred employees. The Contractor in the construction of the work shall give preference in the employment of mechanics and laborers to citizens of the State of Maine, except as otherwise stated in the following paragraph for work on Federal Aid Projects.

In the employment of labor in the performance of the contract, preference shall be given, other conditions being equal, to honorably discharged soldiers, sailors and marines, but no other preference or discrimination among the citizens of the United States shall be made. (Sec. 6 of the Act of Congress approved February 28, 1919, entitled 'An Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes.' Public No. 299—65th Congress)."

This provision has been continued without change since that time and I am informed that these requirements and provisions were again approved by the Federal Bureau of Good Roads about one year ago.

Immediately following the announcement by you that preference would be given to workmen who were residents of Maine in State Highway construction work, the agent for this State of the Federal Bureau of Good Roads advised the Chief Engineer of the State Highway Commission that in his opinion it would be improper for the Commission to make the proposed preference for Maine citizens on Federal Aid Projects under existing specifications, and that it might mean the loss of Federal funds.

Under an act of November 9, 1921, Chapter 119, Sec. 18; 42 Stat. 216, Title 23, "Highways", Revision of 1926, Paragraph 19, the Secretary of Agriculture shall prescribe and promulgate all needful rules and regulations for carrying out the provisions of the statute relating to Federal Aid Highways and under the same act, printed as Section 6 of Title 23, Revision of 1926, the Secretary of Agriculture appears to have full

authority in the matter of approval or disapproval of Federal Aid Projects.

Under the Act of February 12, 1925, Chapter 219, Section 1; 43 Stat. 889, printed in Title 23, "Highways", Section 44, Revision of 1926, the approval of any project by the Secretary of Agriculture within three years after the act of 1925 "shall be deemed a contractual obligation of the Federal Government."

Under these circumstances and in view of the authority which the Secretary of Agriculture undoubtedly possesses, it did not seem to me proper for the State of Maine to proceed over the objection of the Federal representative in this State.

The Federal representative in this State is the one with whom we necessarily must deal and his interpretation of the regulations of the Federal Government is the one by which we should be guided, pending further direction to him by competent authority.

Immediate action in Washington regarding this matter would seem to be essential in order to make it prudent for the State to proceed with the provisions that it desires to give preference to Maine workmen. The appropriate course would seem to be for the proper Federal department to advise the Federal representative in this State that there is no objection on their part to the preference that is proposed.

Respectfully yours,

RAYMOND FELLOWS,

*Attorney General.*

April 9, 1928.

*Rev. Frederick W. Smith, 301 Savings Bank Bldg., Waterville, Maine.*

DEAR SIR: Your recent communication addressed to His Excellency, the Governor, has been handed to this Department for reply.

You ask an interpretation of the word "necessity" as the same occurs in the existing Sunday law which is Section 35 of Chapter 126 of the Revised Statutes. The statute in question is as follows:

"Whoever, on the Lord's Day, keeps open his shop, workhouse, warehouse or place of business, travels, or does any work, labor or business