

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

REPORT

OF THE

ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

JUNE 30, 1928

employees cannot be legally employed eleven hours a night for four nights and ten hours a night on the fifth night, the same being in violation of Section 1 of Chapter 350 of the Public Laws of 1915, as amended by Chapter 198 of the Public Laws of 1923, which provides:

"No female shall be employed in any workshop, factory, manufactory, or mechanical establishment or laundry more than nine hours in any one day; except if a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week."

Yours very truly,

SANFORD L. FOGG,
Deputy Attorney General.

December 7, 1928.

Hon. Henry E. Dunnack, State Librarian, Augusta, Maine.

DEAR MR. DUNNACK: In answer to your inquiry relative to taxation of property belonging to Waldoboro Public Library Association, I understand that the Library Association owns a block in the town of Waldoboro, a portion of which block is used by the library for public library purposes, and a portion being rented by the Association to others.

Your question relates to whether or not this property is taxable or whether it is exempt under the provisions of Paragraph III of Section 6 of Chapter 10, as amended. It is a fundamental rule laid down by our Court that "taxation is the rule and exemption the exception." The statute exempts property of literary institutions, but it does not exempt property owned by libraries and other literary institutions from which revenue is derived. I call your attention to the following cases: Foxcroft v. Straw, 86 Maine 76; Foxcroft v. Campmeeting Assn. 86 Maine 78; and Auburn v. Y. M. C. A., 88 Maine 244, which cases decided that property of literary and religious institutions is taxable, so far as it is not used or occupied by the Association for its own purposes, or is rented for the sake of obtaining revenue therefrom.

In other words, only such parts of the property as are occupied and used by the institution itself are exempt from taxation.

Very truly yours,

RAYMOND FELLOWS,
Attorney General.

June 9, 1927.

*Hon. H. H. Hastings, Chairman, Board of Prison Commissioners,
Bethel, Maine.*

DEAR MR. HASTINGS: I am in receipt of your letter of June 3rd, asking for the opinion of this Department relative to the question of time off for good behavior to persons confined in the State Prison.

This is a very important matter and the Department has given the matter serious consideration for a long time as the same question was informally asked some months ago by one of the officers of the Prison.

Section 15 of Chapter 142 of the Revised Statutes, which relates to the duties of the Warden, provides as follows:

"He shall keep a record of the conduct of each convict, and for every month during which it thereby appears that such convict has faithfully observed all the rules and requirements of the prison, the warden may recommend to the executive, a deduction of seven days from the term of said convict's sentence, except those sentenced to imprisonment for life.*****"

which section has since its original enactment in 1866, given the Warden permission to recommend to the executive, a deduction from the term of sentence.

Section 30 of Chapter 137 of the Revised Statutes, passed by the legislature of 1913, as amended by Chapter 59 of the Public Laws of 1919, reads, however:

"Sec. 30. The board of prison commissioners may adopt such rules as it may deem wise or necessary properly to carry out the provisions of sections twenty-five to forty-five, both inclusive, of this chapter and may amend such rules at pleasure. Provided, that prisoners, under the provisions of said sections, shall be eligible to parole only after the expiration of their minimum term of imprisonment."