

# MAINE STATE LEGISLATURE

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STATE OF MAINE

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REPORT

OF THE

ATTORNEY GENERAL

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for the calendar years

1941--1942

February 11, 1941

Mr. H. E. Rodgers  
State Controller  
State House  
Augusta, Maine

Dear Sir:

In response to your inquiry of February 3, I will say that I have given careful study and thought to the matter of the 10% discount given to hotels and clubs by the Liquor Commission.

As I view the matter, the Liquor Commission is not a sales agency but rather an administrative body with rather limited powers. I am inclined to feel that the granting of discounts from the retail prices goes beyond the intent of the Legislature in setting up the Commission. It seems to me that had the Legislature intended that the Commission should have the power to set different prices among different classes of customers, that fact would have been expressly stated.

In that connection there is a bill before the present Legislature, L. D. 508, which authorizes the Commission to give discounts of not in excess of 10%.

Very truly yours,

FRANK I. COWAN  
Attorney General

February 27, 1941

George W. Leadbetter, Esquire  
Commissioner of Institutional Service  
Augusta, Maine

Dear George:

I have your letter of February 25th, asking an opinion regarding the release of persons from institutions other than the prison as outlined in your letter of January 27th. We do not find any letter of January 27th from you. We have, however, found an undated memorandum with reference to Chapter 1, Section 370, Public Laws of 1933, and Chapter 223, Section 7, Public Laws of 1939 on which appears the following question: "If paroled, would the Parole Board have authority to discharge them before the expiration of the maximum period; that is, in less than one, three or five years from time of commitment?"

In Section 366 of Chapter 1, Public Laws 1933 I find the words "shall be imprisoned and detained in accordance with the sentences

or orders of said courts and the rules and regulations of said reformatory". I see nothing in this language to indicate a right to discharge a prisoner under the words "rules and regulations of said reformatory". These rules and regulations seem to me to refer only to the method of handling the convict while he is in custody.

Sections 369 and 370 do not seem to me to contain any language enlarging the powers of the Board beyond the clear meaning of the words used; "a permit to be at liberty \*\*\*\*\* upon such other conditions as the department shall prescribe during the remainder of the term" seems to be the extent of the powers of the Parole Board in discharging the convict.

Section 7 of Chapter 223, Public Laws 1939 does not seem to me to increase in any way the powers of the Parole Board in this regard.

The discharge of prisoners before serving out their terms does not seem to me to be one of the powers granted to the Parole Board.

Very truly yours,

FRANK I. COWAN

Attorney General

February 28, 1941

George W. Leadbetter, Esquire  
Commissioner of Institutional Service  
Augusta, Maine

Dear Sir:

In answer to your inquiry of January 27th, as to whether persons released from the institutions, other than the Prison, should be released by the Parole Board or by the head of the institution.

Our answer is, the Parole Board.

Very truly yours,

SANFORD L. FOGG

Deputy Attorney General

February 28, 1941

George W. Leadbetter, Esquire  
Commissioner of Institutional Service  
Augusta, Maine

Dear Sir:

I have given consideration to your letter of February 13th, asking about the payment of \$2 per week by the town of settlement for board of persons in the tuberculosis sanatoriums.