

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

Where, however, the employee is on a weekly basis, I do not see how we could properly do it. The time off is not carried in your department as a vacation, but as a leave of absence with pay. It is true that the leave of absence is oftentimes taken in fractions, but as I understand it, leave of absence is not a property right of the employee but is a privilege granted by the State. Under these circumstances I do not see where there would be anything left at the death of the employee that would justify you in directing payment to said employee's estate of any amount except such as might be still due for actual service performed by the employee.

Inasmuch as this query has come from your office instead of from the Controller, I assume that the question is purely academic so I am not sending a copy of this letter either to the Controller or to the State Auditor.

FRANK I. COWAN

Attorney General

From:
Frank I. Cowan, Attorney General

December 12, 1941

To:
E. L. Newdick, Dept. of Agriculture

I have your question in regard to the authority of the Administrator of an estate to protect the land by plowing or by burning cornstalks so as to stop the development of the European corn borer.

It is the duty of an Administrator to take such reasonable steps as will protect the estate of which he is, in a manner, trustee from depreciation. Thus, if a fire started in one of the farm buildings and burned a hole through the roof, it would be the duty of the Administrator to cover that hole so that rain and snow could not come in and cause further damage to the building. So, where a tenant has raised corn and the corn is infested with European corn borers and the tenant has left the premises without either protecting the land or burning the stalks, it is the duty of the Administrator to either plow the land or burn the stalks so that the corn borer cannot infest the land next year.

Any other course could very well result in the land being of very little value to the estate.

Attorney General

From:
Frank I. Cowan, Attorney General

December 17, 1941

To:
George E. Hill, State Tax Assessor

It has been called to my attention that the State is not carrying insurance on school buildings in deorganized areas. While it is true that, technically, the title to public property in deorganized towns falls into the State, nevertheless, the State should be regarded as holding said property as a quasi trustee.