

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1943--1944

July 2, 1943

Harrison C. Greenleaf, Commissioner Institutional Service

Support of Inmate of Pownal State School committed by Municipal Court

Section 450, Ch. 1, P. L. 1933, provides for support of inmates of Pownal and reads in part as follows: "All indigent and destitute persons in this state, who are proper subjects for said school, and have no parents, kinsmen, or guardian able to provide for them, may be admitted as state charges and all other persons in this state, who are proper subjects for said school, when parents, kinsmen, or guardian bound by the law to support such persons are able to pay, shall pay such sum for care, education, and maintenance of such persons as the department shall determine . . . ; and the state may recover from any person admitted to said school, if able, or from persons legally liable for his support, the reasonable expenses of his support in said school."

On November 3, 1942, this office rendered an opinion that Chapter 245, P. L. 1941, An Act Relating to Commitment of Feeble-minded Juvenile Delinquents, did not result in Pownal State School becoming a penal institution. It does, however, create a new method of commitment to the school.

It is the opinion of this department that the provisions of Section 450, Chapter 1, P. L. 1933, above quoted apply to commitments under Chapter 245, P. L. 1941. If the parents, kinsmen or guardian of are able to pay for her support and arrangements for amicable settlement cannot be made, legal action to collect might be advisable.

FRANK A. FARRINGTON

Deputy Attorney-General

July 2, 1943

J. J. Allen, Controller

Accounts & Controls

Pay-as-you-go Tax

I have your memo of June 30, 1943, asking for a ruling "as to the authority of the Controller to withhold the so-called Pay-As-You-Go Tax from the pay of State of Maine employees."

Under date of December 30, 1942, this office gave an opinion to Mr. Kane, the former State Controller, to the effect that as a contribution to the war effort and to simplify the problem of the collecting authority for the United States Government, it would be proper to withhold the "Victory Tax" from the pay of State employees, but that the withholding of this tax for the Federal Government and the forwarding of the money to the Federal collecting agency must not be regarded