

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1945-1946**

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This law became effective on July 21st and it is my opinion that the committee should be appointed and get organized for next year. However, this is purely an administrative matter. I agree with you that it would appear logical for the committee to function in 1945, even though the tax for this current year is set up in the act.

RALPH W. FARRIS  
Attorney General

August 24, 1945

To Earle R. Hayes, Secretary, Employees' Retirement System  
Re: Return of Contributions to Beneficiary under Certain Conditions

I have your memo of August 23rd, in which you state that the Board of Trustees of the Retirement System would like my opinion as to whether or not I believe it permissible to return to the beneficiary any contributions that an employee may have made in the event of such employee's death prior to the time he actually received his first check as a retiree.

You give a specific case, that of Mr. Euba C. Pratt, an employee of the Reformatory for Men, who applied for his retirement benefits on April 21st, 1945, and whose retirement was to be effective as of May 21st, thirty days after his application. News came to your department of Mr. Pratt's death prior to the date on which the check would have been mailed out, and the check in this case is being held at the present time in the office of the Controller, pending my ruling. You further state in your memo that Mr. Pratt has some \$370 and odd dollars to his credit in the System, representing the amount of contributions made by him while an employee.

It is my opinion that this amount of money should be refunded to Mr. Pratt's widow, she being his beneficiary, by reason of his death taking place before his retirement became effective, as he had not actually retired until the thirty days required by law had elapsed.

RALPH W. FARRIS  
Attorney General

August 24, 1945

To Harry V. Gilson, Commissioner of Education

I have your memo of August 21st relating to the operation of vocational training for the War Production Workers' Program from July, 1940, to June 30, 1945; and you state that in accordance with disposition procedures of the National Youth Administration since June, 1943, the State has acquired various types of machinery and equipment, most of which will be used in local schools. You further state that in the applications to expend federal funds to make purchases of this equipment for training purposes and in making purchases of NYA equipment, the State Board for Vocational Education was designated as applicant and recipient, and you ask the following questions relating to the same:

"1. As the agents named in all titles to ownership, to what extent would we be legally responsible for maintenance, inventory, accident, and final disposition of worn out machinery if such is loaned on memorandum receipt to local systems? Would it be legal to transfer possession and title to local school systems?

"2. In the enclosed quotations from Public Law #124, 79th Congress, 1st Session, an interpretation of our position as to moving equipment from one school to another in view of the last provision, 'That no school or school system shall be required to surrender possession or use of any property or equipment which it is using in its educational or training program.'"

In answer to Question 1, I will say that in my opinion, as the agents named in titles to ownership, you would be legally responsible for maintenance, inventory, accident, and final disposition of worn out machinery; and it would be legal to transfer possession and title to local school systems.

In answer to the second question, it is my opinion that Public Law #124, 79th Congress, 1st Session, is broad enough to allow you to move equipment from one school to another.

RALPH W. FARRIS  
Attorney General

August 27, 1945

To Harrison C. Greenleaf, Commissioner of Institutional Service

I received your memo of August 20, 1945, relating to the collection of \$2 per week by Institutional Service from the Department of Health and Welfare for care and treatment furnished in State Sanatoria in unsettled cases, which include several accepted State paupers, and you also gave me an outline of the position of your department in this matter. You stated that Mr. Page, former Commissioner of Health and Welfare, obtained from one of my assistants, assigned to that department, an opinion on this matter. Therefore I requested Mr. Folsom, my assistant, to furnish me a copy of this opinion, which I have before me.

Before answering your question I wish to comment on the provisions of Section 167 of Chapter 23, relating to charges for treatment of patients, which read as follows:

"Residents of the state may be admitted to these sanatoriums, if found by any regular practicing physician in the state or by the superintendent of any one of the sanatoriums to be suffering from tuberculosis. All patients in said sanatoriums, or relatives liable by law for their support, shall pay to the state for treatment, including board, supplies, and incidentals, the amount determined by the department; . . ."

You will note that this section was taken from Chapter 1, Section 464 of the Laws of 1933 and was amended by Section 6 of Chapter 223 of