

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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be made by naming the individuals who comprise the partnership doing business under that name. As the papers are now written, we don't know who the partners are, or the persons composing the firm. All that appears in the documents is the firm name, and they are signed in the firm name by a single member.

I also can't understand where Consolidated Underwriters fit into the picture. A power of attorney is also submitted in that name, and signed in its name by the T. H. Mastin Company, as attorneys in fact. This apparently is the place provided by the attorney in fact to exchange policies by the subscribers. There appears to be nothing in any of the documents submitted to show that the subscribers have associated themselves under that name.

I understand that several of these exchanges have been admitted to do business in this State, writing either fire insurance or casualty, but not Workmen's Compensation. I think that more study should be given by the department to this subject. . . .

ABRAHAM BREITBARD

Deputy Attorney General

May 29, 1946

To Harrison C. Greenleaf, Commissioner of Institutional Service

Answering your memo of May 22nd, concerning the group of boys who in March 20, 1946, escaped from the Reformatory for Men and while at large committed various crimes of the grade of a felony and were sentenced in the Superior Court of Cumberland County and the Superior Court of York County therefor, to terms in the State Prison:

All the boys still had substantial parts to serve of their original sentences. You direct my attention to Section 71 of Chapter 23 of the Revision of 1944, where provision is made that if an inmate of the Reformatory escapes, the superintendent may so certify on the original mittimus and recommend his transfer to the State Prison, and upon approval of the Commissioner of Institutional Service, the inmate shall be transferred to the State Prison to serve the remainder of the term for which he might have been held at the Reformatory; and you say that you intend to invoke the provisions of this chapter, so that these boys will first serve the remainder of the original term at the Reformatory before commencing the prison sentence by the Superior Court.

I advise you that this cannot now be done, for two reasons: 1) I think that Section 71 contemplates that the inmate who escaped has been returned to the Reformatory and it is then that the transfer can be made; I am of the opinion that no effective transfer can be made while the inmate is still at large; 2) the sentences in the Superior Court having been imposed and the mittimus issued, and the boys having been received at the State Prison, the sentences commence to run at once and it is not then in your power to postpone the commencement of these sentences, as that power resides in the sentencing judge only, unless a statute makes provision therefor. Section 71 to which you refer makes no such provision.

There is no legal objection, however, to the boys' being returned to serve the remainder of the term of the Reformatory sentence after they have served the State Prison sentences. Thus, when they become eligible for discharge, the Warden may deliver them to the superintendent of the Reformatory, at which time the transfer may be effected.

There is one exception to this and that is the case of Murtaugh Hughes, who was committed to the State School for Boys for larceny and transferred to the Reformatory for Men under Section 85 of Chapter 23, R. S. 1944. As the period of detention in his case, according to the original commitment was during his minority only, and as at the expiration of his prison sentences he will have reached his majority, he cannot be longer detained on the original commitment.

ABRAHAM BREITBARD
Deputy Attorney General

June 3, 1946

To H. H. Harris, Controller

In your memo of March 11, 1946, you ask for a ruling on the questions therein submitted. Your memo is as follows:

"In December of each year it is the duty of this division to pay to the towns and cities their share of the various subsidies for educational purposes. (See Chapter 37, Section 207, as amended by Chapter 47, P. L. 1945.)

Question 1. Can the State withhold payment by check and use this educational subsidy due the town against what the town and city may owe the State on the state tax?

Question 2. Can the State pay the Dog Tax due towns and cities by crediting the amount due them against any accounts receivable due the State by said town? (See Chapter 88, Section 19, as amended by Chapter 47, P. L. 1945.)

Question 3. As above relative to payments of Railroad and Telegraph Tax due towns and cities. (See Chapter 14, Section 121, R. S.)

"As there seems to be considerable confusion relative to the above three questions we are asking for a definite official ruling from your office."

You are advised that it would be proper to set off against the payment due to the town under the above provisions any indebtedness by law created by the town to the State and send the town a draft for the difference, with a statement showing the credits and the debits.

ABRAHAM BREITBARD
Deputy Attorney General