

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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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