

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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June 3, 1946

To Earle R. Hayes, Secretary, Employees' Retirement System

Your memo received May 21st, stating that you have checked back through various opinions handed down by the Attorney General and that you have found one written by Clement F. Robinson under date of September 25, 1931, addressed to Richard Small, Esq., attorney on Workmen's Compensation Act cases, in which Mr. Robinson holds that employees working on Third Class Highways must be considered State employees in so far as the Workmen's Compensation Act is concerned, even though their salaries may be paid directly by the towns in which they are employed. You state that you gather that Mr. Robinson based his contention on the fact that the towns reimburse the State for part, if not all, of the salaries paid.

In paragraph 2 of your memo you state that in addition to Third Class Highways, you also have State Aid, Special Resolve and Maintenance work, which is often paid for by town checks. Later the payrolls and receipted bills are submitted to the State, and the State pays for the State's share of the work. You have been considering such employees as being in State employ for the purpose of the Employees' Retirement System, and you inquire if your position in this matter is correct.

In reply I will say that your position is correct in this matter as outlined in the ruling from Attorney General Robinson in 1931. While I was in charge of the State Workmen's Compensation cases, we paid compensation to employees of Third Class Highways, State Aid, and Special Resolve work, for the reason that the State supervised the work and reimbursed the towns for the actual receipted bills which they presented to the State, and they were also required to file their payrolls with the State Highway Commission for approval before they could receive reimbursement from the State.

So I should consider the employees on Third Class Highways and Special Resolve work to be State employees for the purposes of the State Employees' Retirement System, if they see fit to contribute.

RALPH W. FARRIS
Attorney General

June 3, 1946

To the Milk Control Board

In reply to your inquiry dated May 16th, which arrived at this office on May 20th: The facts, which involve an interpretation of the Milk Control Law, are as follows:

A dealer whose principal established place of business is in Bristol, which is within the Rockland area, and who sells milk within the Rockland area to consumers for fluid consumption, receives delivery of this milk at Wiscasset from the company dealer located in the Auburn area;