MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

In future, before these accounts are submitted to my office for approval for charging off, they should be certified to by the Commissioner of Finance and the State Auditor, and recommended by the head of the department or institution. . .

RALPH W. FARRIS
Attorney General

May 9, 1947

To N. S. Kupelian, M. D., Superintendent, Pownal State School

I have your letter of April 29th, relating to one of your inmates who has been out on trial visit for some time . . . has been self-supporting and has not got into any trouble in the community, and you are considering his dismissal upon eugenic sterilization. You also state that the law requires the signature of the nearest relative and your records show that his mother is feeble-minded and her whereabouts are known. You are therefore wondering if under these conditions it would be legal to have his brother sign the consent in place of the mother.

It is true that the law provides that in case the patient is mentally incapable of giving his consent, the consent of the nearest relative or guardian must be secured. However, if the nearest relative is incompetent and feeble-minded and incapable of understanding the significance of the consent, I will rule in this case that the consent of the nearest relative who is competent must be secured, and it will be sufficient for the purposes of this case to have the brother sign the sterilization papers with a note on the consent that the brother who signs the consent is the next nearest relative mentally capable of giving consent.

RALPH W. FARRIS
Attorney General

May 21, 1947

To Marion Martin, Commissioner of Labor
Re: Hours of Labor for Women

In your letter of May 7th you ask to be advised concerning the hours of labor a female may be employed under § 22 of Chapter 25, R. S. 1944. Your question is: "Would it not be possible for an employer to employ a female 10 hours, 5 days a week in order to reduce the work day of the 6th day so that day is entirely eliminated?"

The section of the statute, so far as pertinent, is as follows:

> "No female shall be employed in any workshop, factory, manufacturing or mechanical establishment more than 9 hours in any one day; except when a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for 1 day of the week; and in no case shall the hours of labor exceed 10 hours in any one day or 54 hours in any one week; . . ."

I think that the adoption by the employer of a 50-hour week spread over 5 days of 10 hours each would be within the letter and spirit of this statute, and I so advise you.