

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1947 - 1948**

September 24, 1947

To the Members of the Westport-Wiscasset Bridge District:

Question has been raised as to the meaning of Section 9 of the Act creating the Westport-Wiscasset Bridge District, Chapter 103 of the Private and Special Laws of 1947. This section in part provides:

"No sum shall be expended by the district unless and until the district shall have received a license or permit satisfactory to the district from the United States government to construct, operate and maintain said bridge and its highway approaches in, on and over the Back river . . ."

The question is whether the members of the district are justified in incurring the expenses involved in obtaining engineering surveys which are essential in order to apply for a permit from the United States government, to construct and maintain said bridge over said waters.

I am of the opinion that such an expenditure may be made in a sum, however, not to exceed \$2500, provided in Section 8, as I believe that the limitation of Section 9 on expenditures to be made by the district before obtaining the permit relates to the construction of the bridge and not to the preliminary steps necessary in order to obtain the permit.

You are therefore advised that you may contract for these engineering surveys.

ABRAHAM BREITBARD  
Deputy Attorney General

September 25, 1947

To C. T. Russell, Deputy Commissioner of Labor and Industry  
Re: Chapter 25, § 36

Receipt is acknowledged of your memorandum of September 24th, asking for an interpretation of Section 36 of Chapter 25 of the Revised Statutes of 1944, which reads as follows:

"The proprietor, manager, or person having charge of any mercantile establishment, store, shop, hotel, restaurant, or other place where women or girls are employed as clerks or help therein in this state shall provide chairs, stools, or other contrivances for the comfortable use of such female employees for the preservation of their health and for rest when not actively employed in the discharge of their respective duties. Whoever violates any of the provisions of this section shall be punished by a fine of not less than \$10, nor more than \$100."

The inquiry is whether a mill where goods are manufactured would come within the provisions of this section.

The word "shop" has been defined in a number of cases as a place of manufacture or repair. Thus, a place used for the manufacture and repair of pianos and a roundhouse were each held to come within the definition of the term "shop" as used in the statutes there considered; but if there is any question about it, it would seem to be answered by the clause, ". . . or other place where women or girls are employed as clerks or help. . . ."

I am therefore of the opinion that a mill or other manufacturing plant would be included within the terms of this statute, and the owners would be obliged to comply therewith.

ABRAHAM BREITBARD  
Deputy Attorney General

September 30, 1947

To Homer M. Orr, Purchasing Agent  
Re: Supplies for State Institutions

Receipt is acknowledged of your memo of September 25, 1947, regarding purchase of milk for State institutions, or advertising for bids.

Authority for this purpose is vested only in the Bureau of Purchases, and consequently under the provisions of Chapter 14, Section 35 et sequitur, the State Purchasing Agent is the only one who may purchase or contract for supplies, after requesting bids therefor.

ABRAHAM BREITBARD  
Deputy Attorney General

October 6, 1947

To David H. Stevens, Commissioner of Health and Welfare  
Re: Review of Opinions regarding OAA, ADC and AB, July 1 and 8, 1947,  
by Assistant Attorney General Bird

I have your memo of October 6th stating that "in view of the number of hardship cases that have occurred, and also because of the questions which have been raised as to the soundness of the legal interpretation whereby income must be deducted from the maximum grant, I am writing to ask you to review these opinions as they relate to this subject in connection with Old Age Assistance, Aid to Dependent Children, and Aid to the Blind."

In reply to your memo I will say that I have studied the three opinions rendered by Mr. Bird as of July 1st and 8th, 1947, and I am hereby revising said opinions of Mr. Bird to conform more to the spirit and intent of the law.

On July 1st Mr. Bird rendered an opinion on Aid to Dependent Children, consisting of five pages which contain construction of many words in the statute; but I have to deal in this opinion only with the last paragraph of said opinion on page 5, which reads as follows:

"It is my opinion that the administrative agency in fixing the amount of the grant to a recipient in Aid to Dependent Children cases should first determine the resources of the recipient and the expenditures necessary to provide a reasonable subsistence as defined herein. The grant should be the difference by which the total expenditures or the statutory maximum, whichever is the lesser amount, exceeds the resources. . . ."

In revising this opinion I have studied carefully the amendment contained in Section 2 of Chapter 370, P. L. 1947, and I note that the legislature has not changed the language relating to due regard to the resources and necessary expenditures of the family and the conditions existing in each case,