

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

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,