

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

It seems to me, however, that before doing so you must satisfy yourself that the condition of the patient is such that he may be safely released; and if released to relatives or friends, that they are proper persons to receive him. The matter is one in which you must exercise your own judgment, having in mind the mental condition of the inmate.

ABRAHAM BREITBARD
Deputy Attorney General

March 22, 1948

To Charles P. Bradford, Director, State Park Commission
Re: Rules and Regulations for State Parks and Memorials

In accordance with your memo of March 9th, I certify that in my opinion the rules and regulations above set forth are in conformity with the law.

Section 11 will be modified in the following manner:

“Violations

Any person found guilty of violating the above rules and regulations shall be punished as provided in Chapter 32, Section 26 of the Revised Statutes of Maine, 1944; except where the offense is of a nature for which a greater punishment is provided under other provisions, then the punishment shall be in accordance with such provisions.”

The reason for the above is that there are offenses described, for example, driving under the influence of intoxicating liquor or drugs, and carrying concealed weapons, for which a greater punishment is provided under other provisions of law; and I believe the same is true of reckless driving.

ABRAHAM BREITBARD
Deputy Attorney General

March 22, 1948

To Earle R. Hayes, Secretary, Employees' Retirement System
Re: Former Employees of E. R. A.

I received your memo of March 16th, stating that the Board of Trustees are in receipt of requests from present State employees who are members of the Retirement System relative to credits toward retirement for certain periods of time which they formerly worked for the E. R. A., and that the Board requests my opinion as to the status of this former agency as it relates to State employees.

In the case of *State vs. Martin*, 134 Maine, page 455, the Supreme Court stated as follows:

“There was co-operation concerning the administration of relief in that the State Controller, the State Treasurer and their assistants lent administrative help, but administration was always Federal; funds were so earmarked; all reports of expenditures were made to the United States, and unexpended balances accounted for, accordingly. Emergency relief administration in Maine was by the United States and not by the State.”