

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

“(2) If illegal, what penalties are likely?”

Answer. A fine may be imposed of not less than \$10 nor more than \$1000, and an offender may be further punished by imprisonment for 30 days on the first offense, 60 days on the second, and 90 days on the third. Also the automobile may be seized, as this is a game of chance, which is prohibited by statute. Anything that involves a lucky winner is a violation under Section 18 of Chapter 126.

“(3) Can the procedure be legalized by selling tickets to a dance or other entertainment and giving the car to the lucky ticket holder?”

I do not feel that it is fair to ask the Attorney General to provide opinions for evading the law.

I will say that the admission tickets are subject to a tax by the Federal Government, and if door prizes are given, the drawing would be investigated by the Internal Revenue Department.

RALPH W. FARRIS
Attorney General

April 26, 1948

To E. E. Roderick, Deputy Commissioner of Education

Re: Liability of parents evading the compulsory school attendance law

I have your memo of April 6th, which we discussed in my office on April 23rd, when I advised you that there seems to be no statutory provision covering the matter contained in your memorandum.

Where the parents of children of school age take their children to the Aroostook potato fields in harvesting season, they take them out of the jurisdiction of their legal residence temporarily.

I do not see where the compulsory attendance statute could authorize the Department of Education to take any action. There is no statute which would permit prosecution of parents for removing their children to another town to earn money during the harvesting season in Aroostook.

RALPH W. FARRIS
Attorney General

April 30, 1948

To A. M. G. Soule, Chief, Division of Inspection,

Department of Agriculture

Re: Produce Dealers Supply Co.

I have your memo of April 30th relating to the provisions of Sections 225-231 inclusive of Chapter 27, relating to the branding of potatoes; also two exhibits you left in my office—one, a ten-lb. bag labeled

10 lbs. net

U. S. Grade No. 1

MONARCH
BRAND
MAINE
POTATOES
Produce Dealers Supply Co.
Presque Isle, Maine

and the other a 50-lb. bag labeled
 WIND MILL MAINE POTATOES
 Produce Dealers Supply Co.
 Presque Isle, Maine

You state that the Produce Dealers Supply Co. own a warehouse in Presque Isle and supply bags to dealers and shippers but do not buy, sell or ship any potatoes; and you ask the following questions:

“(1) Are the Produce Dealers Supply Co. responsible for the quality and character of the potatoes enclosed and shipped in such containers?”

In answer to this question, I will say that they are not, because the Produce Dealers Supply Co. does not buy, sell or ship potatoes. As I gather from your memo, this company furnishes the bags for dealers and shippers, some of whom probably store their potatoes in the Produce Dealers Supply Co.'s warehouse.

Your next question is, “(a) Is the Potato Branding law violated by shipping and selling a package containing potatoes that is not conspicuously tagged and branded with the name and address of the person or persons truly responsible for grading and packing of the potatoes contained in a package bearing the legend above described?”

My answer to Question 2 is in the affirmative, as the law requires potatoes prepared for market to be tagged, branded, labeled or stenciled before being removed from the premises where they are prepared for market, with the name and address of the person or persons responsible for the grading and packing, and the name of the grade, together with true net contents. . . .

RALPH W. FARRIS
 Attorney General

April 30, 1948

To H. H. Harris, Controller
 Re: Mileage—Inspectors, Certified Seed Potatoes

Mr. Witham of your pre-audit department brought in a copy of a memo which you wrote to this office on November 12, 1947, which I answered orally to you on the telephone. Mr. Witham indicated that you would like a written memo on this matter, which has to do with the interpretation of Chapter 396, P. L. 1947, relating to employees who are regularly employed by the Department of Agriculture and work on a part-time basis as inspectors of certified seed potatoes.

As I pointed out to Mr. Witham, this statute provides for not more than 8c a mile for the first 5000 miles actually traveled in any one fiscal year, not more than 5c a mile for the next 9000 miles, and not more than 4c for all miles exceeding 14,000. This relates to regular State employees. Then the legislature saw fit that the State shall pay inspectors of seed potatoes 7c for every mile so traveled, which makes two classes of mileage among State employees.

In my opinion this proviso relates to mileage to the regular inspectors of seed potatoes and not to the general employees of the Department of Agri-