STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

In reply I will say that it would not be a spot light, if it was not equipped with bulb and wire connecting same; it would be an ornament. Therefore it would not be a violation of the law to have an extra spot light on the car, if it was disconnected and the bulb taken out.

The question of whether it is a spot light should be determined by the inspectors or members of your department.

It would not be fair to construe the law so as to require the owner of a car delivered equipped with two spot lights to dismantle one entirely. I think your men should be advised to check on cars that are equipped with two spot lights and see that only one is in operation and connected by wire and bulb.

RALPH W. FARRIS
Attorney General

November 5, 1948

To A. D. Nutting, Forest Commissioner

I have your letter of November 4th, relating to land owners in the Maine Forestry District who wish advice on legal procedure in adjusting the Forestry District tax. You raise the two following questions:

"1. Is it possible to set the tax on a supposed permanent basis, plus a sum of money for equipment for the next two years?"

"2. How should the tax be set up to take care of the present deficit?"

Following out the suggestions which we made yesterday during our conference, I will say in answer to Question 1 that it would not be possible to set the tax on a supposed permanent basis plus a sum of money for equipment for the next two years. The tax should be definite in your bill.

In answer to Question 2 I suggest that Section 74, which provides for an annual tax of $2\frac{1}{4}$ mills, be amended with an increase for a period of, say, two years, to take care of the equipment and deficit, and then have the tax fall back to, say, 5 mills on a permanent basis after January 1, 1951, or June 30, 1951, whichever would be more convenient. This would give the District sufficient tax for the next two years to take care of the deficit and the equipment, and then it would fall back upon a permanent basis after a certain date, either $4\frac{1}{4}$ mills or 5 mills, whichever can be agreed upon when the bill is drafted.

RALPH W. FARRIS
Attorney General

November 22, 1948

To A. D. Nutting, Forest Commissioner

I have your letter of November 18th, enclosing a copy of a letter which you received from Frederick D. Farnsworth, City Manager of Rockland. The question is,

"Can municipalities qualify for reimbursement of one-half their forest fire suppression costs up to 1% of their tax valuation which went to the aid of others, but which were not paid by the towns they aided?"

Answer given Mr. Wilkins last year: "Bills for suppression costs must be submitted to the town for which the services were rendered and the equipment furnished, and each town is only liable up to one per cent of its valuation as of April first for the purposes of taxation within the town's own boundaries."

This is in conformity with the present statute. I am sorry that I cannot make any other ruling, as Mr. Farnsworth is right in equity; but the language of our statute does not permit me to give any other answer to the question.

You may call Mr. Farnsworth's attention to Chapter 362 of the Public Laws of 1945, which provide as follows:

"In carrying out the provisions of this section, the state shall reimburse the towns and cities 1/2 of the suppression costs incurred by the forest fire wardens therein, upon approval of the forest commissioner."

This statute is not broad enough to take care of the suppression costs of fires in other towns. However, this can be amended by the legislature and it probably will be, as this law did not take care of the emergency last year and is not satisfactory to anyone concerned.

RALPH W. FARRIS
Attorney General

November 23, 1948

To Marion E. Martin, Commissioner of Labor and Industry

In your memorandum of November 16th you request an interpretation of Section 38 of Chapter 25, R. S. 1944, in particular that part which provides that an employee leaving his or her employment shall be paid in full on demand. In your inquiry, speaking of the employment, you say, "Their employees work on a piece-work basis, frequently more than one employee working on each piece. It takes time to compute what each worker has earned because the workers' production varies from day to day." Your question is, "May they (employers) wait until the pay day following the employee's separation from his employment, or must they pay immediately upon demand?"

The statute under consideration is a criminal statute and under settled rules of law must be strictly construed. As I read it, the purpose of the act primarily was to provide that employees in the industries enumerated, both private and public, shall be paid weekly the wages earned" . . to within 8 days of the date of such payment." This is followed by the clause reading, ". . but any employee, leaving his or her employment, shall be paid in full on demand at the office of the employer where payrolls are kept and wages are paid."

I think that the last clause quoted qualifies the right of the employer to hold back the wages for the 8 days preceding the date of payment. An employee upon leaving such employment, if he demands it, shall be paid in full the wages earned up to the time of his leaving. In other words, the employer may not hold back the wages earned within 8 days of such payment, which he could do if the employment continued. It is that failure to pay the employee in full that is made an offense punishable by the prescribed fine.