

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

I also think that a reasonable interpretation would be that the employer or his agent charged with the duty of computing the wages, at least where the person is a piece worker, should know in advance of the employee's leaving his employment. I do not think it would apply in the case of an employee leaving his employment abruptly and without notice and demanding his pay, or that failure on the part of the employer to meet such demand immediately would subject him to the criminal punishment of the statute. I cannot conceive that the legislature would say that the employer commits a crime in not paying wages on demand where the employee leaves his employment without notice and from the circumstances it would require a reasonable length of time, which may be hours or days, to have the earnings up to that time computed. I think that in such a case a reasonable time must elapse before it can be said that the statute has been violated. What is a reasonable time would depend on the circumstances existing in each case. As I said before, a reasonable time may be hours, it may be days. I cannot say that the pay day following would be a reasonable time, although it may be; but the employer would have a reasonable time to respond to the demand.

ABRAHAM BREITBARD
Deputy Attorney General

November 23, 1948

To Charles P. Bradford, Director, Park Commission
Re: Fort Knox

This department acknowledges receipt of your memo of November 10th with regard to the conveyance of Fort Knox to the State of Maine by the United States of America. You quote from a part of the deed, which is a condition annexed to the grant by the Government, providing that the conveyed premises shall be used for public purposes only, and upon cessation of such use the title and right of possession of the premises shall revert to the United States.

This land constitutes one of the State Parks and is open to the general public, and this use of it by the State would satisfy the conditions of the deed that the premises were to be used for public purposes only. The fact that the State charges a fee for the use of certain facilities, or plans to erect a building which it will let out as a concession to some person ". . . to sell sandwiches, tonics, ice cream, souvenirs, etc. . . ." would not in any way detract from its being used for public purposes, since the general public without discrimination may have the use of any of the facilities erected to add to their comfort and enjoyment; nor does the fact that food and refreshments are there sold by a concessionnaire to the general public visiting said park violate the conditions in the deed. In fact, the condition is observed by the furnishing of these facilities.

ABRAHAM BREITBARD
Deputy Attorney General