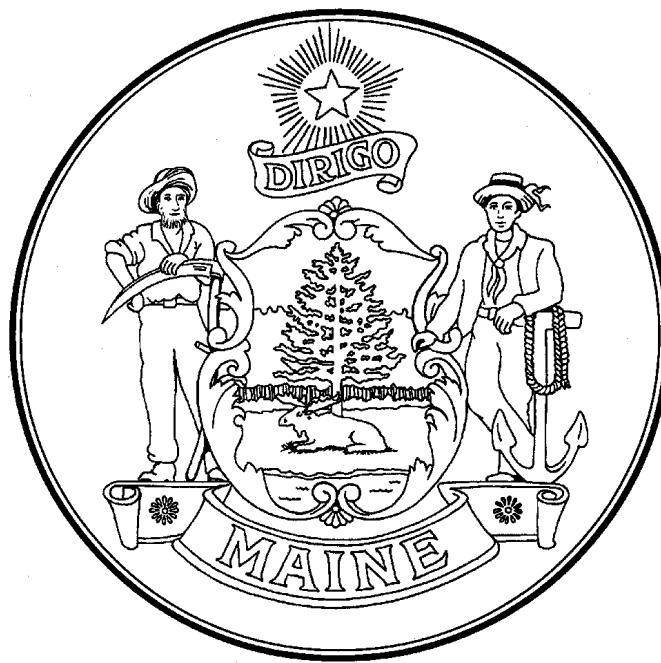


MAINE STATE LEGISLATURE

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STATE OF MAINE

R E P O R T

OF THE

ATTORNEY GENERAL

for the calendar years

1949 - 1950

March 25, 1949

To Col. Francis J. McCabe, Chief, Maine State Police

Re: Stopping Truck Drivers and checking on their union cards

I have your memo of March 24th, enclosing a pamphlet from the International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, affiliated with the American Federation of Labor.

Our law enforcement agencies of Maine cannot be used to enforce and check on labor union activities, and no one but accredited law enforcement officers can stop motor vehicles on the highways of our State. If members of a union stop motor vehicles on our highways, they do so at their own peril. That is a matter that the members of the union should take up with the employers of truck drivers before they are on the road.

However, if a truck driver is off the highway at a filling station or in the yards of the trucking concern, it would be proper for the union checkers to confer with the members of their union to see if their dues are paid. Do not permit them to direct truck drivers to drive off the highways while they are in the operation of motor vehicles.

I think you should advise the union representatives just how far they can go under our law in checking members of their union who are operating motor vehicles under licenses from the State of Maine.

RALPH W. FARRIS

Attorney General

March 25, 1949

To David B. Soule, Insurance Commissioner

Re: Journal Transfer #1394, \$652, Health & Welfare to Insurance,
Appropriation #7230.

It has been called to my attention by the State Department of Audit that your department has been charging the Health and Welfare Department for expenses for investigations and inspections by your department, which is provided for under Section 29 of Chapter 85, R. S., as amended by Section 8 of Chapter 188, P. L. 1947, which provides that every fire insurance company which does business or collects premiums or assessments in this State shall pay to the State tax assessor on the first day of May annually, in addition to the taxes now imposed by law to be paid by such companies or associations one-half of one per cent of the gross direct premiums for fire risks written in the State during the preceding calendar year, etc. The State tax assessor shall pay over all such receipts from such tax to the Treasurer of State daily. Such funds shall be used solely to defray the expenses of such investigations and inspections by the Insurance Department and are appropriated for such purposes.

This section further provides that whenever there shall accumulate in this special fund created by this section a surplus sufficient to defray the expenses of such investigations and inspections for an ensuing period of 1 year, then in the discretion of the Insurance Commissioner the special tax for that year may be omitted, and the Insurance Commissioner shall certify to the State tax assessor that the special tax is to be omitted. Said certification is to be made not later than the 31st day of January of the year for which the tax would otherwise be assessed, etc.

Inasmuch as the legislature has appropriated these funds for the purposes of investigating and causing to be investigated the origin of fires and inspecting buildings and property, it is improper for the Department of Health and Welfare to transfer from its appropriation 7230, which is for the administration of that department, to the Insurance Department the amount of \$652; and I am advising the State Controller to take care of this by reversing this transfer, so that the records will disclose that this money was paid from the tax on gross premiums on fire insurance companies doing business in Maine.

In the future, while this statute is in effect, do not charge departments for expenses incurred for investigations and inspections by your department.

RALPH W. FARRIS
Attorney General

March 25, 1949

To H. H. Harris, State Controller

I hereby authorize you to make a journal transfer from the Insurance Department to the Health and Welfare appropriation No. 7230 for the sum of \$652, which was transferred by the Health and Welfare Department to the Insurance Department in December, 1948, for expenses incurred in investigation and inspection by the Insurance Department, as per copy of a memo to the Insurance Commissioner which I attach hereto.

RALPH W. FARRIS
Attorney General

March 28, 1949

To David H. Stevens, Commissioner of Health and Welfare

I acknowledge receipt of your memo dated March 16, 1949, addressed to Members of the Sanitary Water Board, indicating that you have caused to be withdrawn Legislative Document No. 807, and that the Department of Health and Welfare, upon the recommendation of the Surgeon General, is designated as the State water pollution agency for the purpose of receiving federal funds.

I also acknowledge receipt of a copy of a letter written to you on March 14th by the Federal Security Agency and signed by Leonard W. Trager, Regional Drainage Basin Engineer, Public Health Service.

I agree with the U. S. Public Health Service that the Sanitary Water Board, because of the provisions of statute exempting certain rivers, is not in a position to enforce a state-wide pollution program and therefore would not be in a position to accept federal funds for this purpose.

RALPH W. FARRIS
Attorney General