

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

You also direct my attention to Senate Paper 705, passed by both the Senate and the House on May 7th, which reads as follows:

"That all reasonable administrative economies should be effected in an effort to permit the continuation of existing salary and wage schedules through the second year of the next biennium."

This order, it seems to me, authorizes your office to continue this wage schedule through the second year of the biennium, provided you can find the money.

RALPH W. FARRIS
Attorney General

June 7, 1949

To Carl L. Treworgy, Secretary, Racing Commission
Re: Chapter 388, P. L. 1949, §15

Your memo of May 31st received, stating that the Racing Commission would like a ruling on the last sentence of Section 15 of Chapter 388, P. L. 1949, and asking, "Does this mean that all race meets are subject to the $\frac{1}{2}\%$ 'Stipend' payment or only those fair meets that are competing with the 8-week night harness race meets?"

In reply I will say that this sentence applies to any race track where is held a race or race meet licensed and conducted by the Maine Racing Commission authorizing the sale of pari mutuel pools described by said Commission.

RALPH W. FARRIS
Attorney General

June 7, 1949

To Jean L. Bangs, Assistant Attorney General

I have your memo of May 26th sending me a letter written by the chief attorney of the Veterans Administration at Togus, Maine, in which he disagrees with the way that we administer the law in regard to minors who are receiving State aid and in which he makes several comments and citations of other jurisdictions relating to this subject matter.

However, I do not wish to change my opinion in this matter.

I will state in passing that the statute provides that the Department of Health and Welfare shall have all the powers as to the person, property, care and education of every child committed to its custody during the term of commitment, which a guardian has as to a ward. That is merely an enabling act, and the State is not in the same position as a private person who has been appointed by a judge of probate and is not subject to the same laws as provided in other provisions of the Revised Statutes.

The question of liability is one for the courts. Of course the State is at liberty to bring an action at any time at any stage of the liability, if there are assets of a child in the custody of the State sufficient to take care of its education, care and maintenance. It is the policy of the State not to burden the taxpayers with the property to pay for their own care and maintenance.

RALPH W. FARRIS
Attorney General