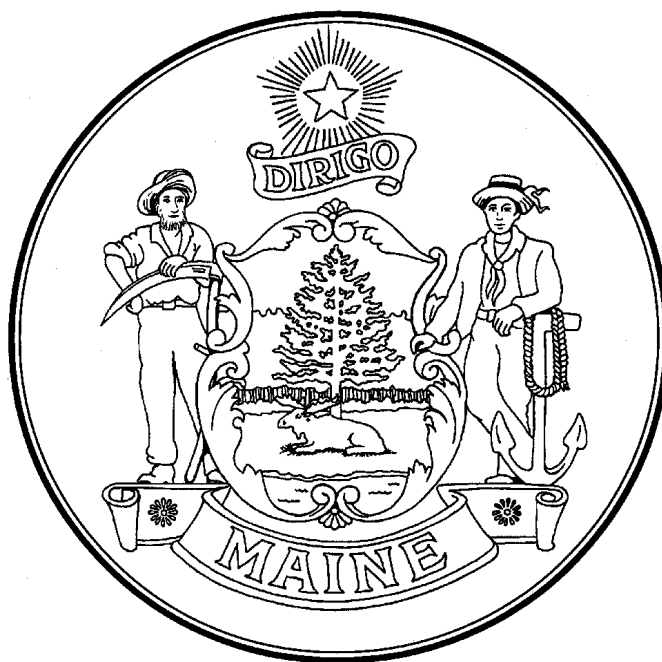


MAINE STATE LEGISLATURE

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STATE OF MAINE

R E P O R T

OF THE

ATTORNEY GENERAL

for the calendar years

1949 - 1950

and to do such acts as are necessary for the purpose of carrying out the provisions of such federal law. The governor, with the advice and consent of the council, is further authorized and empowered to authorize and direct departments or agencies of the state, to which are allocated the duties involved in the carrying out of such state laws as are necessary to comply with the terms of the federal act authorizing such granting of federal funds or such equipment, supplies, or materials, to expend such sums of money and do such acts as are necessary to meet such federal requirements."

This section, particularly the second sentence thereof, makes it possible for the State to qualify for and to be eligible to receive the additional federal grants in aid for administrative purposes contemplated in the participation program outlined in the memorandum of August 11, 1949.

When all the details have been agreed upon, including the basis upon which the additional grants will be made, a letter of approval thereof should be obtained from responsible federal authority, particularly for audit purposes, since such additional funds will be, by other federal standards, subject to audit by federal auditors.

A Council Order should then be prepared with a statement of facts supported by, 1) the memorandum of August 11, 1949, or one of similar import; 2) the letter of approval from federal authority; and, 3) this opinion.

JOHN S. S. FESSENDEN
Deputy Attorney General

August 24, 1949

To Marion E. Martin, Commissioner of Labor and Industry
Re: Industrial Home Work

I have your memo of August 23rd in regard to the question raised by a manufacturer in this State, whether he has to abide by Section 38 of Chapter 25, R. S., and pay weekly the workers who are doing work in their homes, even though no finished goods have been returned to him during the week.

You state that it occurs to you that the reasonable way to handle this matter would be to have a ruling that upon delivery of the finished goods, payment must be made within a period of eight days; and you ask, "Is this ruling consistent with the law and can we promulgate such a rule under our rule-making authority granted under Ch. 283, P. L. 1949?"

Chapter 283, P. L. 1949, provides that the commissioner shall have power to make, issue, amend and rescind such regulations and orders as are necessary . . . to carry out the provisions of sections 37-A to 37-R.

It is my opinion that you have authority to make such a ruling under this statute.

RALPH W. FARRIS
Attorney General