

# 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**

September 12, 1949

To Marion E. Martin, Commissioner of Labor and Industry  
Re: Elevator inspectors; chief boiler inspector

I have your memo of September 7th relating to the interpretation of Section 55 of Chapter 25, R. S. 1944 and Sections 6 and 7 of Chapter 59, R. S. 1944, as affected by Chapter 374 of the Public Laws of 1949, Section 99-D, and asking the following question:

“Are the chief boiler inspector and the supervising inspector of elevators subject to the Personnel Law?”

I have examined Section 55 of Chapter 25, which provides that the Commissioner shall appoint with the approval of the Governor and Council, and may remove for cause, when so appointed, a citizen of this State who shall have had at the time of such appointment certain experience, etc.; and the Commissioner may likewise appoint such deputy inspectors as are necessary to carry out the provisions of Chapter 25 relating to boiler inspection.

Section 99-D of Chapter 374, P. L. 1949, provides that the Commissioner shall appoint, with the approval of the Governor and Council, and may remove for cause, a citizen qualified to fulfill the functions of the office to serve as supervising inspector of elevators, and the Commissioner may appoint such elevator inspectors as are necessary to carry out the provisions of Chapter 374, P. L. 1949, provided that the applicants can successfully pass the examination. Examination is also provided for in Section 55 of Chapter 25.

Therefore in my opinion the chief boiler inspector and the supervising inspector of elevators are not subject to the Personnel Law, as the statutes of the State provide for special examinations under the direction of your department and not by the Personnel Board.

Sections 6 and 7 of Chapter 59 provide that the unclassified service shall comprise heads of departments and members of boards and commissions required by law to be appointed by the Governor with the advice and consent of the Council. Therefore it is my opinion that, theoretically, the Commissioner names the inspectors under both Section 55 of Chapter 25 and Section 99-D of Chapter 374, P. L. 1949, and they are approved by the Governor and Council. Therefore they come under subsection III of Section 7 of Chapter 59, which places them in the unclassified service, and they are not under the Personnel Board.

RALPH W. FARRIS  
Attorney General

September 13, 1949

To Ernest H. Johnson, State Tax Assessor  
Re: Interpretation of Chapter 438, P. L. 1949

I have your memo of June 23, 1949, relating to the provisions of Chapter 438 of the Public Laws of 1949, which replaces Sections 142-144-A and 142-154-A, relating to the taxation of deposits in savings banks and trust companies. You state in your memo that Section 1 of the new law provides that “Every savings bank, institution for savings and trust company incor-