

# 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**

The language therefore serves a double purpose. It allows the distributor his actual loss and at the same time limits said loss to 2% of receipts, which is beyond the 1% of receipts plus 2% of transfers.

RALPH W. FARRIS  
Attorney General

December 28, 1949

To Marion E. Martin, Commissioner of Labor and Industry  
Re: Request from Internal Revenue Department for List of  
Manufacturers Engaged in Industrial Homework

I have your memo of December 27th, stating that your department has had a request from the Internal Revenue Department for a list of the industrial manufacturers who have taken out industrial homeworkers manufacturers' licenses, and you ask if you should make such lists available to the Federal Government.

In view of the language contained in Section 37-J entitled, "Employment status," "All industrial homeworkers shall be presumed to be employees of their employers and not independent contractors or self-employed persons," it is my opinion that you should furnish such lists to the Department of Internal Revenue on request. Furthermore the Federal Government has been very co-operative in furnishing records of Federal employees, when they were required by this office, unless there was a special Federal statute prohibiting the producing of said records.

I find nothing in Chapter 283, P. L. 1949, which provides that these records of licenses issued by you under this Act are confidential.

RALPH W. FARRIS  
Attorney General

December 28, 1949

To Marion E. Martin, Commissioner of Labor and Industry  
Re: Definition of "Employer"

I have your memo of December 27th on the above subject, in which memo you state that in Section 37-B of Chapter 283, P. L. 1949, "employer" is defined as "any person who directly or indirectly distributes or delivers or causes to be distributed or delivered to another any materials or articles to be manufactured in a home, and thereafter to be returned to him for other than the personal use of himself or a member of his family, or to be disposed of otherwise as directed or arranged by him, or sells or causes to be sold to another person any materials or articles to be manufactured in a home, and, after such manufacture, to be repurchased by him or purchased or otherwise disposed of by any other person as directed or arranged by him: . . ."

You state that a further provision of this law provides that an employer must receive a permit, but that there are some manufacturers who refuse to take out a permit on the ground that they do not distribute materials to the workers. They do, however, give specifications as to the type of material