

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

In answer to the second question in his letter I will say that there will be no State Constitutional difficulties about proposals to permit transfer of funds between categorical grants, and I can find no statutory difficulty that cannot be taken care of with the approval of the Governor and Council under the budget and Chapter 14.

In answer to the third question propounded by Ted Driscoll in his letter of March 21st, whether, if federal grant-in-aid money is appropriated by our legislature, difficulties would arise in drafting the appropriation bills if block grants or the transfer device were in effect, it is my opinion that we would have no difficulties if this matter was taken up at the budget hearings conducted before the legislative session. As I understand it now, our legislature does not appropriate federal grants-in-aid. They are merely allocated to the departments for which federal aid is requested and do not figure in legislative appropriations of state funds. I cannot see where the appropriation of State matching funds would be made more difficult by the block grant form of federal aid.

You know more about the workings of the State Budget than I, and therefore you can answer his letter on the basis of what information I am giving you on this score added to your own knowledge of the handling of the State Budget and the Department of Finance. . .

RALPH W. FARRIS
Attorney General

April 20, 1950

To Ermo H. Scott, Deputy Commissioner of Education
Re: State liability for accident incurred in transporting the basketball team at the State Normal School, Presque Isle, Maine

We have carefully reviewed the correspondence and attached papers submitted by you with your memorandum of March 13, 1950.

It appears that in this case the Athletic Association at the Aroostook State Normal School authorized a student to enter into a contract to rent a car for the transportation of part of an athletic team to a regularly scheduled contest. The contract is very specific and clearly authorizes the company owning the vehicle to sue on the contract. You will note among other things that the renter agreed that he would return the vehicle to the owner in the same condition as he received it.

It would appear to us that the Athletic Association should pay on the claim of the company owning the vehicle unless by chance that company has already been reimbursed through its own collision insurance. This is a matter which should be determined locally.

JOHN S. S. FESSENDEN
Deputy Attorney General

April 20, 1950

To H. H. Harris, State Controller
Re: Carleton Day Reed d/b/n/Reed & Reed, Woolwich, Maine

Under date of June 8, 1949 the Attorney General addressed the following memorandum to the Bridge Division of the State Highway Commission:

"I am informed that the subject has currently been engaged under a contract to construct or repair a bridge under the jurisdiction of the State Highway Commission.

"I am also informed that this individual owes Unemployment taxes in the gross amount of \$1439.09.

"Kindly withhold any settlements with this individual until adjustments have been made on the Unemployment taxes due."

This office is now informed that, including interest, the amount due as Unemployment taxes now exceeds \$1800 and that Mr. Reed has never made a claim for payment from the Bridge Division, nor has he brought forward the issue in any way.

I see no reason why the amounts being held by the State should not be credited to the Unemployment Compensation Commission as this would in no way divest Mr. Reed of any of his rights, since if the State's claim for taxes is not well founded, the amount could be refunded to him under the refund provisions of the Employment Security Law.

JOHN S. S. FESSENDEN
Deputy Attorney General

April 24, 1950

To Carl L. Treworgy, Clerk, Boxing Commission
Re: Section 9, Chapter 78, R. S. 1944

I have your memo of April 21st, stating that the Commission would like a ruling on the interpretation of the last paragraph of Section 9, the last sentence of which reads:

"In the event the final judgment of the court reverses the finding of the commission, the court finding and order shall be conclusive upon the commission."

I note that you do not ask an interpretation of the true wording of the statute, however, but on the situation that arises when the court upholds the Commission in denying a license.

In my opinion that means that the applicant cannot secure a license unless the Commission so decides.

RALPH W. FARRIS
Attorney General

April 24, 1950

To Dr. Alonzo H. Garcelon, Division of Dental Health
Re: Maine Seacoast Missionary Society

I have your memo of April 24th in regard to the program of the Maine Seacoast Missionary Society and note that the people who would participate in this program are dental students in their third and fourth years who are not licensed to practice in any State.

It is my opinion that the statute does not authorize unlicensed persons to practise dentistry in Maine. However, the recent graduates of Harvard Dental School and faculty members of Harvard Dental School who are licensed to practise in Massachusetts could be taken care of under the reciprocity section of your statute.