

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

perishable and required immediate labor thereon to prevent decay or damage. This being true, the question is more one of administration than it is of law. Stated in another way, the problem simply is that if, in the administration of the labor laws, it is found that the product being processed is perishable, the law applicable thereto is clear. Accordingly you would be in a much better position to answer Mr. Fuller's letter than would this office. . . .

JOHN S. S. FESSENDEN
Deputy Attorney General

June 22, 1950

To Col. Francis J. McCabe, Chief, Maine State Police
Re: Policing Harness Racing

I am returning herewith the material which was left in our office by Lt. Hoxie, which constitutes a complete report of an episode that occurred at the Cumberland race track on June 16, 1950.

It is my opinion, in which the Attorney General concurs, that under the provisions of the harness racing statute (Section 22 of Chapter 77, R. S.) the State Police have no duty to administer or enforce the provisions of that statute on the spot, nor to exercise any judgment as to whether any particular act violates the harness Racing Commission's rules.

With respect to harness racing *per se* the law clearly contemplates that regularly constituted law enforcement officials shall act only through the Attorney General or the respective county attorneys after a complaint has been made to those officials by the harness Racing Commission.

The foregoing should not be construed to mean that the State Police do not have jurisdiction over violations of law which may occur within the confines of an area being used for harness racing and which are within the regular and customary jurisdiction of the State Police.

JOHN S. S. FESSENDEN
Deputy Attorney General

June 23, 1950

To Norman U. Greenlaw, Commissioner of Institutional Service
Re: Emil Lake Account

I think that you should instruct the superintendent to defray Mr. Lake's unpaid balance out of Mr. Lake's funds now in the superintendent's possession. An exact record of this transaction should be kept and the balance in his hands should be turned over to Mr. Lake's personal representative (administrator or executor) when appointed. On such accounting the fact that the set-off has been made should be clearly shown.

If under these conditions the personal representative then has a claim for any of the funds that have been used in set-off, any lawfully required adjustment can be made. Otherwise the State's claim will stand as satisfied.

The necessity of refunding the amount used in set-off should arise only in the case of insolvent estates, when statutory priorities of creditors would be involved.

JOHN S. S. FESSENDEN
Deputy Attorney General