

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

I find also in the last sentence of paragraph six of Section 12 of Chapter 77 as amended by Chapter 388 of the Public Laws of 1949 the following language:

“Said licensees shall also pay purses at least equal to minimum purses paid at any other New England harness racing track.”

This is all that I find in the statutes and the rules and regulations which relates to purses.

It is my opinion that the Maine Racing Commission has wide discretion except that the commission should take an over-all view of the minimum purses paid at other New England harness racing tracks, in fixing the purses at our Maine harness racing tracks. It seems to me that the commission should set the purses to fit the financial picture of our own State, of which the U. S. Trotting Association would have no knowledge except from hearsay.

If there is anything further that you would like us to check in regard to the Maine State Racing Commission statute and the rules and regulations, please advise me.

RALPH W. FARRIS
Attorney General

July 5, 1950

To Harland A. Ladd, Commissioner of Education
Re: Renting of School Buildings

I have your memo of June 29th, stating that my opinion is sought on a phase of administering the principle of the division of church and State. You state that the school department of the City of Presque Isle has been requested to make the high school auditorium available for a series of meetings sponsored by the Seventh Day Advent Churches of Aroostook, and the superintendent of schools wishes advice on what to tell his committee. You ask if the next to the last sentence in the September 1, 1943, statement of the late Attorney General, Frank I. Cowan, is pertinent.

I quote the language to which you refer, which is found on page 71 of the Report of the Attorney General for 1943-44:

“In my opinion, a school board in any municipality of this State cannot lawfully permit the use of a public school building by any group for any particular type of religious training.”

In answer to your question I will state that in my opinion this statement is pertinent, and I concur in same.

RALPH W. FARRIS
Attorney General

July 6, 1950

To Marion E. Martin, Commissioner of Labor and Industry
Re: Section 38, Chapter 25, R. S. 1944

As I read the weekly payment of wages law, it appears to me that the requirement of payment weekly of wages earned up to within eight days of such payment refers to calendar days.

With respect to the question whether or not there is any regulation or method by which an employer might comply with the statute and still pay employees on a semi-monthly or bi-weekly payroll basis, you are advised that the statute appears to be clear and unambiguous. Whether or not there is some method by which an employer might legally circumvent the statute is a matter upon which I am not in a position to express an opinion. . .

JOHN S. S. FESSENDEN
Deputy Attorney General

July 7, 1950

To Norman U. Greenlaw, Commissioner of Institutional Service
Re: Pott's Disease

I received your memo of June 28, 1950, stating the facts in regard to the admittance to a State Sanatorium of a woman whose application stated that she was afflicted with Pott's Disease. In order to give this patient every consideration you authorized her admittance for observation under the provisions of Sections 166 and 167 of Chapter 23, R. S. 1944.

You further state that you have been advised by the sanatorium officials that this patient does not have tuberculosis, but is in need of hospitalization and her husband is not cooperative about removing her from the sanatorium, although he has on several occasions been requested to remove her. He does not reply to your letters, even when sent by registered mail. This morning you were advised by the Superintendent that he had seen the husband twice since he received your registered letter, but he "has done nothing yet" about moving his wife. You add that you are not equipped to give this case the treatment it requires and that in fairness to others awaiting admission you feel justified in asking that this patient be removed at once, thereby releasing a bed to some other patient. You have been advised that she should be in a general hospital or a convalescent home, and you feel that such an arrangement should be her husband's responsibility. You then request my opinion as to how this matter should be handled and what procedure should be followed in removing this patient from the sanatorium.

I note by Sections 166 and 167, to which you refer, that the sanatoria shall serve the needs of the people for the care and treatment of persons affected with tuberculosis, and I note that these sections nowhere use the word "pulmonary." On referring to the definition of Pott's Disease, I note that it is termed "tuberculosis of the spine." Therefore it appears to me that if you removed this woman from the sanatorium without her husband's permission and he took the matter to court, you would not be on very safe ground, if the court should rule that Pott's Disease is tuberculosis under the provisions of Section 166 which establishes our sanatoria for the treatment of tuberculosis.

Ask your Superintendent if Pott's Disease is not tuberculosis, caries of the vertebrae, often resulting in curvature of the spine and occasionally in paralysis of the lower extremities.