

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

for the calendar years  
**1951 - 1954**

Under these statutory and constitutional provisions, the vacancy created by the death of a Register of Probate may be temporarily filled by the appointment of a suitable person by the Judge of the Probate Court, such person serving until the individual appointed by the Governor and Council qualifies for the position (or until the elected official qualifies, which situation is not here present.)

JAMES G. FROST  
Assistant Attorney General

September 14, 1951

To Marion E. Martin, Commissioner of Labor and Industry

Re: Vacation Pay

Your memo of September 11, 1951, in which you ask the question whether vacation pay comes within the phrase, "wages earned by him", contained in Section 38 of Chapter 25, R. S. 1944, has been received by this office.

Please be advised that it is our opinion that in the absence of a contract granting vacations with pay, such vacations are gratuities, not vested rights, and that vacations as such do not come within the meaning of wages earned.

We refer you to Mr. Fessenden's opinion of February 6, 1950, for further information on this point.

JAMES G. FROST  
Assistant Attorney General

September 14, 1951

To Norman U. Greenlaw, Commissioner of Institutional Service

Re: Admissions under Chapter 374, Public Laws of 1951

With regard to Chapter 374, Public Laws of 1951, entitled, "An Act Relating to the Commitment to Mental Hospitals," we wish to inform you that a careful consideration of the provisions of that Act shows that there is grave question as to the constitutionality of Sections 104-107, inclusive.

Sections 104 through 107 were apparently intended to be emergency provisions. We, of course, are not declaring these sections unconstitutional, but we feel that the constitutional validity of these sections is open to serious question and therefore advise you that we have given to Drs. Pooler and Sleeper, respectively, our opinion that in the future they should refuse to accept patients whose admission is sought under the procedure set forth therein, until such time as a final determination of the constitutionality of these sections shall have been made by the Law Court.

We believe that those patients already in your custody through procedures followed under Sections 104 through 107 should be detained presently until a decision has been made as to their disposal. As to future admissions we advised Drs. Sleeper and Pooler that it is the opinion of this office that they should accept only those patients duly committed to their institutions by the proper Probate Court procedure under Sections 108 *et seq.*

ALEXANDER A. LaFLEUR  
Attorney General