

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

tions, more particularly to that with which Mr. Richard C. Dolloff is connected.

You state in your memo that Mr. Richard Dolloff has received an opinion from this office to the effect that such county associations are eligible for benefits under Chapter 395 of the Public Laws of 1951.

I do not recall having given an opinion to this effect. I do remember Mr. Dolloff's visit to the office and our discussion concerning his constitution and by-laws; and if I recall correctly, I told Mr. Dolloff to submit his applications to your office.

In our opinion County Extension Associations are not eligible to participate in the benefits extended by the Social Security Act by virtue of the contract between the State of Maine and the Federal Government as authorized by Chapter 395 of the Public Laws of 1951.

This chapter was enacted in order to extend to employees of the political subdivisions of the State of Maine the benefits of Social Security. The employee need be an employee of a political subdivision, and this term has been defined to include an instrumentality of the State of Maine, of one or more of its political subdivisions . . . or an instrumentality of the State or one or more of its political subdivisions, but only if such instrumentality is a juristic entity which is legally separate and distinct from the State or subdivision, and only if its employees are not by virtue of their relation to such juristic entity employees of the State or subdivision.

County Extension Associations are neither political subdivisions nor instrumentalities of the State. They appear to be well-meaning associations wishing to extend education to rural areas of the State, and this they have been permitted to do upon having their constitutions and by-laws approved by the University of Maine, College of Agriculture. They have also been recognized as the official body for this purpose by the legislature, but they have not in any way been designated as an instrumentality of the State or a body politic and corporate. We therefore feel that until such time as the legislature declares them to be instrumentalities of the State, their members are not eligible for the benefits extended by Chapter 395 of the Public Laws of 1951.

JAMES G. FROST
Assistant Attorney General

November 27, 1951

To Doris M. St. Pierre, Secretary, Real Estate Commission
Re: Lectures

We have your memo of November 9, 1951, in which you inquire whether or not the Maine Real Estate Commission may set up a series of lectures and make it mandatory for applicants for real estate licenses to attend a series of these lectures.

Please be informed that it is our opinion that you may not require applicants to attend such a course. The requirements and qualifications necessary in an applicant to apply for a real estate license are set out by statute and

such provisions do not permit the further mandatory requirement to attend lectures given by your Commission.

JAMES G. FROST
Assistant Attorney General

November 27, 1951

To Earle R. Hayes, Secretary, Maine State Retirement System
Re: Hospital Employees

We have your memo of November 15, 1951, relative to the hospital in the town of Caribou, in which memo you ask if the employees of the hospital are eligible for coverage under the provisions of the Social Security Act.

From the facts contained in your memo we are of the opinion that such employees are not eligible for coverage under the Social Security Law. The hospital is undoubtedly a charitable organization, and the fact that the hospital is subsidized or given financial aid by the town does not make that hospital an instrumentality of the State or a political subdivision of the State. The hospital does not carry on a municipal activity as such, and therefore its employees are not eligible for Social Security.

JAMES G. FROST
Assistant Attorney General

November 27, 1951

To Marion E. Martin, Commissioner of Labor and Industry
Re: Interrogatories *re* Accidents and Injuries.

This office has your memo of November 5, 1951, relative to Sections 3 and 9 of Chapter 25, Revised Statutes, 1944.

Section 3 gives to the Commissioner of the Department of Labor and Industry permission to make certain interrogatories of industries for the purpose of gathering facts and statistics relative to injuries and accidents. This work is done cooperatively by the State and the Federal Government, as you state, to eliminate filing of identical reports with different governmental agencies.

Section 9 provides that whoever refuses to answer any question propounded to him concerning the subject of such examinations, as provided in Section 3, or refuses to answer the printed list of interrogatories shall be punished by a fine of not less than \$25, etc. You ask if you may invoke through proper court action the penalties as set forth in Section 9 in those cases where employers fail or refuse to file the requested report.

We are of the opinion that you may properly invoke Section 9 and the remedy contained therein in cases where employers are not cooperating with your department with respect to the requirements of Section 9.

JAMES G. FROST
Assistant Attorney General