

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

Such statutes as mentioned should not be so strictly construed as to deprive them of their effectiveness. However, this office doubts that a court would enforce any recommendation, however wisely given, with respect to the type of machinery used. The statute in question appears to extend only to the use of guards on machinery.

“If the commissioner . . . shall find upon such inspection that . . . the machinery in such workshops and factories (is) located or (is) in a condition so as to be dangerous to employees and not sufficiently guarded . . . he shall notify the owner, . . .”

JAMES G. FROST
Deputy Attorney General

June 4, 1953

To Gerald Murch, Chief Parole Officer

Re: Good Time Allowance for Prisoners Serving Life Terms

Your question relative to the allowance of good time for prisoners serving life sentences has been received. We understand that you are particularly interested in view of the fact that Chapter 404 of the Public Laws of 1953 provides that certain prisoners serving life sentences may be released on parole after serving thirty (30) years.

Chapter 84, Section 1 of the Public Laws of 1951, amending Section 27 of Chapter 23 of the Revised Statutes of 1944, provides as follows:

“Each convict, *except those sentenced to imprisonment for life*, whose record of conduct shows that he has faithfully observed all the rules and requirements of the prison, shall be entitled to a deduction of 7 days per month from the minimum term of his sentence, commencing on the first day of his arrival at the prison.”

The underlined in the foregoing clearly shows that such credit is not allowable and settles the question without even discussing the legislative intent in Chapter 404 of the Public Laws of 1953, allowing release “*after serving 30 years’ imprisonment.*”

ROGER A. PUTNAM
Assistant Attorney General

June 8, 1953

To General Spaulding Bisbee, Director of Civil Defense and Public Safety

Re: Auxiliary Policewoman – Compensation for Injury

Receipt is acknowledged of your inquiry of May 21st. You state that the question has come up of coverage under the Workmen’s Compensation Law in case an Auxiliary Policewoman who is a housewife and working as a volunteer might suffer a compensable injury and what the basis of compensation would be in that instance.

Section 2 of Chapter 267, Laws of 1953, provides that in computing the average weekly wage of any claimant under the provisions of that section,

the average weekly wage shall be taken to be the working capacity of the person in the occupation in which he is regularly employed.

Your question appears to relate to a person who is not engaged in any occupation which brings in a salary or wages. Such a person, being injured in Civil Defense work, would be entitled to the minimum provided by the law, which at present is \$12 per week and after November 30 will be \$15 per week. Together with this compensation goes, however, the full payment of all necessary and proper medical expenses.

NEAL A. DONAHUE

Assistant Attorney General

June 8, 1953

To Honorable Burton M. Cross, Governor of Maine

Re: Harness Racing Commission

This office has been asked for an interpretation of Chapter 402, P.L. 1953, which Act amends Section 1, Chapter 77 of the Revised Statutes, to provide:

“One member (of the State Harness Racing Commission) shall, *in some capacity*, be connected with agricultural societies which operate pari mutuel racing.”

Frederick A. Howell, presently a member of the State Harness Racing Commission, states that he is a member of the Androscoggin Agricultural Society and a member of the Cumberland Farmers Club, both of which associations operate pari mutuel harness racing meets.

The question is asked if Mr. Howell, as a member of the societies referred to above, has sufficient connection with an agricultural society operating pari mutuel racing, to qualify by virtue of such membership for re-appointment as a member of the Harness Racing Commission.

It is our opinion that Mr. Howell's membership in the agricultural societies mentioned above is sufficient to bring him within the phrase “in some capacity”, contained in Chapter 402, P.L. 1953.

We do not believe that the statute should be construed to require that a person, to be eligible for appointment to the Harness Racing Commission, must be an officer in an agricultural society which operates pari mutuel racing, but rather we believe it would be sufficient if the person is an active member of such a society, and displays an interest in the welfare of the society.

It is our opinion, therefore, that Mr. Howell would be eligible under the 1953 amendment (assuming that he meets other requirements) for re-appointment.

ALEXANDER A. LaFLEUR

Attorney General