

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

asked this office if, under the provisions of Section 3 of Chapter 307, the executive secretary of the Electricians Examining Board, being a classified employee, is eligible to receive the \$10 per day authorized by said section.

It is our opinion that Section 3 clearly provides that all members of the board shall receive the sum of \$10 per day when in attendance upon the business of the board. This statutory provision is subsequent in time to that enacted in the Personnel Law and Rules and therefore governs the question.

JAMES G. FROST
Deputy Attorney General

December 29, 1953

To E. E. Edgcomb, Chief Inspector, Labor and Industry
Re: Hot Water Heating Boilers

We have your memo in which you ask if, under the provisions of Section 59 of Chapter 25, R. S. 1944, as amended by Section 1 of Chapter 319 of the Public Laws of 1953, hot water supply boilers are included in the phrase, "hot water heating boilers located in schoolhouses," and therefore require inspection by your department.

The section of law referred to above is a safety measure designed to protect school children from potentially dangerous instruments. As such, it is our opinion that hot water supply boilers come within the intent of the law.

JAMES G. FROST
Deputy Attorney General

December 31, 1953

To Earle R. Hayes, Secretary, Maine State Retirement System
Re: Assignment of Accounts Receivable

I am returning enclosed the assignment of accounts receivable signed by Mr. Cedric A. Foster, which you returned to me with your memorandum of December 30, 1953, stating that it had no value so far as you were concerned.

I have read the provisions of Section 18 of Chapter 384 of the Public Laws of 1947, and I had read this section before I made out the assignment. It is a well-founded principle of law in this State that the State is not bound by its own statutes unless expressly named therein. It is my opinion that the legislature did not intend to exclude the State from receiving assignments of retirement funds. On this authority we have four cases:

Cape Elizabeth v. Skillin, 79 Me. 594;
Benton v. Griswold, 95 Me. 450;
Goss Co. v. Greenleaf, 98 Me. 436; and
Whiting v. Lubec, 121 Me. 121.