

# 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.

We would therefore appreciate your accepting this assignment, in view of the law, and accordingly reserve for the State the amount of money stated therein, namely \$71.60.

ROGER A. PUTNAM  
Assistant Attorney General

December 31, 1953

To Norman U. Greenlaw, Commissioner of Institutional Service  
Re: Invoice for Reportorial Service

You have made inquiry of this office whether or not it is proper for an institution of the State to pay a bill rendered by a reporter for a transcription of testimony in a case before the Industrial Accident Commission, where the State institution was a party under the Workmen's Compensation Act and the transcript was called for by the institution's counsel. Counsel for such institution is the Attorney General or his designated Assistant.

Claims by State employees under the Workmen's Compensation Act are by law assigned for settlement to the Attorney General, as are all such claims against the State.

The settlement of these claims may be defended before courts or commissions or may be compromised as agreed to by the Attorney General or, with his authority, by his Assistant.

As is usual, the counsel speaks for his client and the engaging of witnesses and the record of a hearing are usual expenses attendant upon such proceedings.

Hence it is that this office is of opinion that the employing department or institution should make payment of the item referred to.

JAMES G. FROST  
Deputy Attorney General

January 5, 1954

To Hon. Burton M. Cross, Governor of Maine  
Re: Duties of Chairman, Highway Commission

This office has been asked to interpret Chapter 398 of the Public Laws of 1953 in so far as it affects the duties of the Chairman to be appointed under the provisions of the Act, particularly with reference to Section 4 of Chapter 20 of the Revised Statutes. The last sentence of Chapter 398, which amends Section 3 of Chapter 20, R. S., provides:

"The chairman shall be the chief administrative officer, having general charge of the office and records, but all policy decisions of the commission must be by a majority of its total membership."

This section, imposing additional duties upon the chairman, removes from the chief engineer the general charge of the office and records, such charge having been granted him by Section 4 of Chapter 20. While the "general charge of the office and records" is directly dealt with by the new Act, and