

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

January 20, 1954

To Frank S. Carpenter, Treasurer of State
Re: Suit to Recover Contractor's payments

John G. Marshall, Esq., of Auburn has made inquiry of you relative to the use of your name in bringing suit against Susi and Sons Co. and the bonding company, Hartford Accident and Indemnity Company, to recover subcontractor's payments that are due Snow's, Inc.

The proper procedure in bringing suit is to have the Treasurer of State as the proper party plaintiff, and we have a case in Maine to that effect.

This office feels that you should cooperate with Mr. Marshall in lending your name, because it is in furtherance of that very purpose that one condition of the bond is that the contractor will always pay his subcontractor. We feel that you should drop a line to Mr. Marshall, authorizing the use of your name, but specifically setting forth two conditions, — 1, that he will guarantee that you will not be liable for any costs that may be incurred in the suit; and, 2, that you will be held harmless from any personal liability or expense.. .

ROGER A. PUTNAM
Assistant Attorney General

January 22, 1954

To Honorable Burton M. Cross, Governor of Maine
Re: Rent Control

The attached letter was forwarded to this office, so that we could advise you as to the status of rent controls in the State of Maine and the possibility of State action relative to charging high rentals in certain areas.

We call your attention to Section 41 of Chapter 124 of the Revised Statutes of 1944, which deals with profiteering in rentals:

“Whoever demands or collects an unreasonable or unjust rent or charge, taking into due consideration the actual market value of the property at the time, with a fair return thereon, or imposes an unreasonable or unjust term or condition, for the occupancy of any building or any part thereof, rented or hired for dwelling purposes, shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 11 months, or by both such fine and imprisonment.”

This is a criminal statute which may be invoked on complaint to the local authorities. The County Attorney would be the proper prosecuting officer.

As to federal rent controls, we have checked the federal law and find that by the provisions of 50 U. S. Code Annotated, section 1894, subsection (1), whenever the Secretary of Defense and the Director of Defense Mobilization, acting jointly, shall determine and certify to the President that any area is a critical defense housing area, the President shall, by regulation or order, establish such maximum rent or rents for any housing accommodation not then subject to rent control in such area or portion thereof as in his judgment will be fair and equitable.