

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

offense has been committed off this property and within jurisdiction of a State court?"

Answer. Yes.

"2. Can an officer arrest for criminal violations being committed in Federal Buildings?

- (a) Owned by the United States Government,
- (b) Leased by the United States Government,
- (c) On land adjacent to these buildings?"

Answer to (a): No. *Answer to (b) and (c),* Yes.

"3. Can an officer in direct pursuit arrest and take from these premises a person who has violated the law?"

Answer. No

With respect to this question we would suggest that if pursuit of one believed to have committed a felony takes an officer to a Federal installation owned by the United States Government, the cooperation of the authorities of that installation be sought.

While this opinion sets out what this office believes to be the law relative to jurisdiction on Federal property, it is not meant to be considered as authorization to enter such property, absent the consent of proper Federal authorities.

We are all aware of the precautions taken by the military to prevent the intrusion of unauthorized persons upon Federal property. The personnel upon whom is placed the duty of enforcing security rules may not be familiar with all phases of law, and we should like to emphasize the necessity and importance of mutual understanding between local or State police authorities and the military authorities, with respect to the subject matter covered herein.

JAMES GLYNN FROST

Deputy Attorney General

December 9, 1954

To Earle R. Hayes, Secretary, Maine State Retirement System

Re: Teaching Service at Maine School for the Deaf

I acknowledge receipt of your memo of November 22, 1954, in which you state that you have a teacher who for 24 years taught in the public schools and for one year at the Maine School for the Deaf.

You feel that the year of teaching service at the Maine School for the Deaf ought to be considered as service rendered in the category of "teacher", in which case this particular individual would have completed a minimum of 25 years of teaching service and be eligible for a minimum retirement benefit as provided for teachers. You ask if we concur with your thinking with respect to whether or not the service at the Maine School for the Deaf by a teacher should be considered creditable teaching service.

There is no question but that teaching at the Maine School for the Deaf may, in some instances, be considered creditable service under Sections 221 *et seq.* of Chapter 37 of the Revised Statutes of 1944, as that school was sustained completely or almost completely by the State.

On the question as to whether such teacher could be given creditable service for teaching at the Maine School for the Deaf, it would appear to us that Section 4-VIII of Chapter 60, R. S. 1944, would govern. This section would permit the granting of prior service credit to such a teacher for service rendered prior to the teacher's attaining age 25. In the event such service was performed after having reached the age of 25 years, then creditable service could not be granted.

JAMES GLYNN FROST

Deputy Attorney General

December 14, 1954

To William O. Bailey, Secretary-Treasurer, Maine School Building Authority
Re: Liability Insurance

The question has arisen from time to time relative to the liability of the Maine School Building Authority under the provisions of the Compensation Act.

Initially it was determined that where an independent contractor was not in the picture and the town employed a master builder and hired individuals of various trades to work on the building, these persons were employees of the town rather than of the Authority. After some deliberation and discussion on the part of the insurance carriers, the Industrial Accident Commission and myself, we believed that it would be more plausible to have the Authority in such instances carry the liability insurance. We feel that it is easier to trace the chain of employment to the Authority than to the town itself, though we must never overlook the fact that the town is acting as an agent of the Authority when it erects a building under the provisions of the Act.

If it is easier to trace the employment contract to the Authority, then it is obvious that the Authority should be covered. This will give the ultimate protection to the Authority which is our first endeavor, the second being to give the workman a chance to recover compensation when injured in his employment.

From the minutes of the Authority meeting of April 13th, relating to this problem, it appears that three avenues were discussed. One, of course, is self-evident:— that the independent contractor should carry his own compensation. The other two alternatives were to have the town or the Authority carry the policy and cover themselves, respectively.

It is our opinion that the Authority should carry the insurance in these particular instances, to cover itself as employer until such time as it has been decided in a given case either before the Commission or before the Court that these people are employees of the town.

ROGER A. PUTNAM

Assistant Attorney General