

# MAINE STATE LEGISLATURE

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STATE OF MAINE



REPORT  
OF THE  
ATTORNEY GENERAL

for the calendar years  
1955 - 1956

It is our opinion that Paragraph VII of Section 90, Chapter 59, R. S. 1954, combined with the first sentence of Paragraph X of said section,

“To do in general all the business that may lawfully be done by trust companies,”

grants sufficient authority to a trust company to act as trustee under a deed of trust, to issue first mortgage notes with the trust real estate as security, and to lease the property—provided, of course, that the instrument creating the trust specifically contemplates such acts upon the part of the trust company as trustee.

JAMES GLYNN FROST  
Deputy Attorney General

April 20, 1955

To Harold J. Dyer, Director, State Park Commission

Re: Town Roads in Parks

Your inquiry of March 31, 1955, asks concerning authority for enforcement of Park Rules on town roads.

It is the opinion of this office that the authority of the Park Commission is limited to the park areas and does not extend to public ways which may approach or run through such parks.

NEAL A. DONAHUE  
Assistant Attorney General

April 22, 1955

To Walter F. Ulmer, Business Manager, Bangor State Hospital

Re: Waiver of Liability, Workmen's Compensation

Your letter of April 19, 1955, refers to the circumstances of re-employment of a man having had what appeared to be a coronary attack and who at the time used sick leave.

The cases hold that the employer “takes the employee as he finds him,” or to that effect. In other words, employment of a person who may be easily incapacitated can well involve greater liability or liability more easily brought about than ordinarily. Only in an exceptional case may it be expected that an employee may waive his right to receive benefits under the Workmen's Compensation Act.

Should the circumstances be, however, sufficiently serious to prevent the employee from any employment under ordinary circumstances because of the extraordinary risk to the employer, then a waiver of a claim for liability under circumstances limited to or caused by the then present handicap may be entered into. Under the statute such waiver must be approved by the Industrial Accident Commission or by the Commissioner of Labor and Industry before becoming effective. . .

NEAL A. DONAHUE  
Assistant Attorney General