

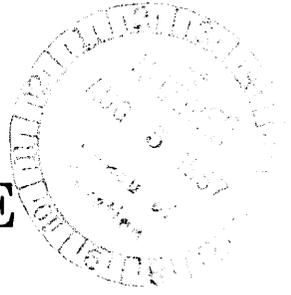
# MAINE STATE LEGISLATURE

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STATE OF MAINE



REPORT  
OF THE  
ATTORNEY GENERAL

for the calendar years  
1955 - 1956

\$1566.50. One-third of this figure is \$522.15. This is the amount to which Mrs. J. was entitled under this statute. I think if you will also read the cases of *Whiting v. Whiting*, 114 Maine, 372 and *Longley v. Longley*, 92 Maine, 395 you can come to no other conclusion than that she was entitled to this one-third interest.

It appears that Mrs. J. conveyed her one-third interest for the sum of \$300.00 which, under the interpretation which has always been given the statute cited above, means that she received less than full value for her interest.

It would therefore appear that Mrs. J. did not receive full value for her property, and did divest herself of property without reasonable consideration after January 1, 1950.

We are all very sorry that these decisions have to be made, but inasmuch as this is a categorical type of assistance which is governed by statute and regulations, there are occasional instances where persons have placed themselves in a position so that they are not eligible for such assistance. It is not always possible to bail them out of a situation into which they have got themselves. This appears to be one of those situations and I am sorry that there is nothing that I can tell you which will be of benefit to Mrs. J. in this instance.

GEORGE C. WEST  
Assistant Attorney General

August 2, 1955

To Allan L. Robbins, Warden, Maine State Prison

Re: Withholding of Confession of one Prisoner from Another

I have your memorandum relative to your withholding a confession from further transmittal to a prisoner. It further appears that both men are serving time for breaking, entering and larceny and that X. was implicated in these crimes by a statement made to the police by Y.

We are of the opinion that you do have a right to withhold further transmittal of this document. It is your job to maintain security within your institution and to keep the peace therein. This document, in the hands of the addressee, would be a powerful weapon to coerce the writer and might cause physical violence.

Your withholding of this document will not impair any legal rights that X. might have. An attested copy is in the hands of his attorney, who will undoubtedly make such use of it as he sees fit in any legal proceeding that he might want to bring. This is all that is necessary to protect X.'s rights.

ROGER A. PUTNAM  
Assistant Attorney General

August 3, 1955

To Peter W. Bowman, M. D., Superintendent, Pownal State School

Re: Residence

. . . Your first inquiry relates to residence as the word is used in Section 145, Chapter 27, Revised Statutes of 1954. . . Although the word is not defined in the

statute or under the rules of construction, we have more or less resolved it down to this: that a resident would be a person living within the county and intending to reside there for an indefinite period of time. This is more or less the definition of domicile. Sometimes the words are used synonymously, at other times not. Without a court opinion it is hard to say. I think we should avoid at all costs the construction that a person is a resident who is merely living there at the time of the commitment. Such a construction might lead to an abuse by out-of-Staters who might come here especially for the purpose of disposing of their children into our care and then leave the State. I think the Probate Judge must determine as a question of jurisdiction whether the person is a resident in the county.

In answer to your second inquiry, regarding transfers from your institution, where the parents have removed from the State and gained settlement in another State, we would call your attention to the last sentence of Section 3 of Chapter 94 of the Revised Statutes of 1954. This statute takes care of the question of settlement of any inmate of your institution up until the time he or she is discharged. Settlement will not move while the person is in your institution. I would not overlook the fact, however, that the statutes of a sister State might provide for transfer in such cases. If that were true, and the sister State would accept any patients you might have, I would suggest that it would be legally proper for you to suggest transfer to the out-of-state institution. This would be a matter of law in the other jurisdiction. . .

ROGER A. PUTNAM  
Assistant Attorney General

August 4, 1955

To the Maine Employment Security Commission

Re: "Next Ensuing," as used in Section 15

I have discussed the intent of the above noted section with our Attorney General and our Deputy Attorney General, especially with regard to the application of "for the period of unemployment next ensuing after he has left his employment voluntarily without good cause attributable to such employment."

Our conclusions are as follows:

For the purpose of administering this subsection, "the period of unemployment next ensuing after he has left his employment voluntarily without good cause attributable to such employment" refers to that period immediately following his *last* employment.

"A" leaves his job voluntarily without good cause attributable to such employment and files a claim for benefits. "A" will be disqualified for a period of not less than 7 nor more than 14 weeks in addition to his waiting period.

"B" leaves his job voluntarily without good cause attributable to such employment, immediately going to work in subsequent employment, being later *laid off* for lack of work, and files a claim for benefits. If otherwise eligible, this claimant is entitled to benefits, he *not* having left his most recent or last employment voluntarily.

"C" leaves his job voluntarily without good cause attributable to such employment, is unemployed for a period of time, then secures a job, being later