

MAINE STATE LEGISLATURE

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STATE OF MAINE



REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1955 - 1956

May 25, 1956

To Lee Gardiner, Farm Supervisor, Institutional Service

Re: Farm Contract, State School for Boys

Yesterday you orally presented the following problem: Can the State School for Boys contract in the spring with a canner to raise beans for same, the canner to furnish the seed, the State School, of course, to furnish the land and the labor, and the School to be paid so much per pound or possibly some sort of exchange in canned goods, for service rendered?

There is little mention of farms in the statutes. Section 1 of Chapter 27, R. S. 1954, provides that the Commissioner may employ a farm supervisor and provides for the payment of his salary. Section 19 of the same chapter refers to the prison farm and such other farms as there may be on leased land in the County of Knox. We note that Section 83 of the same chapter provides that the State School for Boys shall train the boys, if they are able, in the fields of agriculture and horticulture, and along this line, of course, the School maintains a farm where the boys are instructed. We note also that the legislature has seen fit, in Sections 30 and 31 of the chapter, to provide that prison-made goods may be sold and for marking the same.

It is our conclusion that the lack of specific statutory authority compels us to answer that the contract above mentioned could not be entered into. While it may be beneficial to the School, and of this we have no doubt, it does take on the completion of a business arrangement, and the School is to be operated primarily for the rehabilitation of the inmates. This does not mean, of course, that surplus commodities raised at any institutional farm cannot be sold in the general market, but this case is different. Here we should be contracting in the spring to have a known surplus in the fall, and this we feel is impossible under existing law.

Much as we regret to say so, we feel that it cannot be done and would suggest, if this is necessary for the proper operation of our institutional farms, that specific authority be sought at the next legislative session.

ROGER A. PUTNAM
Assistant Attorney General

May 29, 1956

To Ober C. Vaughan, Director of Personnel

Re: State Employees in Legislative Service

We have your memorandum requesting our opinion in regard to the employment in the Executive branch of our government of persons who are members of the Legislature, also the further question whether or not an employee of the Executive branch can take leave of absence without pay and serve in the Legislature as a member of that body.

Section 11, Part Third, Article IV of the Constitution of Maine provides:

"No member of Congress, nor person holding any office under the United States (post officers excepted) nor office of profit under this state, justices of the peace, notaries public, coroners and officers of the