

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1959 - 1960

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concerned, is it correct to consider as second offenders only those persons who received a conviction subsequent to September 12th and have a similar previous conviction within 10 years?"

Since in our opinion the law will act prospectively only, it should apply only to those persons convicted after the effective date of the act, and having a similar previous conviction within 10 years.

Very truly yours,

FRANK E. HANCOCK
Attorney General

August 17, 1959

To: Honorable Harvey R. Pease
Clerk of the House
House of Representatives
State House
Augusta, Maine

Dear Harvey:

We have your letter of June 13, 1959, in which you ask for an opinion as to your duties under the provisions of Chapter 10, Section 7, Revised Statutes of 1954, as amended.

As amended by Chapter 252, Public Laws of 1959, Chapter 10, Section 7, Revised Statutes of 1954, reads as follows:

"He shall when the Legislature is not in session be the executive officer of the Legislature, and unless the Legislature otherwise order, have custody of all legislative property and material, arrange for necessary supplies, and equipment *through the State Bureau of Purchases, arrange for necessary service*, make all arrangements for incoming sessions of the Legislature, have general oversight of chambers and rooms occupied by the Legislature, permit state departments to use legislative property, dispose of surplus or obsolete material *through the continuing property record section of the Bureau of Public Improvements* with the approval of the Speaker of the House and President of the Senate and approve accounts for payment. *The clerk shall maintain a perpetual inventory of all legislative property and make an accounting to the Legislature upon request.*"

You specifically ask (1) for a ruling as to how far you are directed to go in controlling chambers and rooms occupied by the Legislature and (2) must the Clerk of the House approve all accounts, bills, etc., payable from the legislative appropriation when the Legislature is not in session.

Answer to Question No. 1 —

The statute clearly states that the Clerk of the House shall be the executive officer of the Legislature when the Legislature is not in session and, unless the Legislature otherwise order, have general oversight over chambers and rooms occupied by the Legislature.

General oversight of chambers and rooms means overall superintendence; general supervision; and management of such chambers and rooms.

The term "Legislature" as used in the section of law under consideration means the legislative body — the House and the Senate, with the result that the general oversight of chambers and rooms refers to chambers and rooms occupied by either or both branches of the Legislature.

The aforementioned duties of the Clerk of the House may be limited by a joint order of the Legislature.

Answer to Question No. 2 —

"Yes".

Very truly yours,

FRANK E. HANCOCK
Attorney General

August 24, 1959

To: Perry D. Hayden, Commissioner of Institutional Services

Re: Leasing of State-Owned Property

I have your request for an opinion regarding the authority of a state officer to lease a state-owned rock crusher to a construction company.

It is my opinion that you cannot lease public property to a private person.

Section 5, Chapter 27, Revised Statutes of Maine of 1954, charges you with the care, management, custody and preservation of the property of all state institutions but I do not believe this would authorize you to lease public property to a private individual. Public property is held by the State in trust for the people.

Subparagraph VI, Section 34, Chapter 15-A, Revised Statutes of 1954, provides that the Bureau of Purchases shall have authority to ". . . transfer to or between state departments and agencies, or sell supplies, materials and equipment which are surplus, obsolete or unused. . ."

I am unable to find any authority for you to execute such a lease.

GEORGE A. WATHEN
Assistant Attorney General

August 31, 1959

To: Marion E. Martin, Commissioner of Labor & Industry

Re: Minimum Wage Law

We have your memo of July 16, 1959, in which you ask 11 questions concerning Chapter 30, sections 132-A to 132-J, as enacted by Chapter 362, Public Laws 1959, an Act establishing a minimum wage.

The Act, with certain classes of employees being exempted, prohibits an employer from paying an employee less than \$1.00 per hour, excepting employers employing three or less employees.