

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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case the second paragraph of section 13 relating to the effect such transfers would have on a sentence would be applied; and on the other hand, State charitable institutions are also dealt with. In the latter case, that portion of section 13 relating to sentences would apply only if that person in the charitable institution was serving a sentence.

The State charitable institutions referred to in section 13, in our opinion, include the Pineland Training Center and the Augusta and Bangor State Hospitals. State charitable institutions being so construed, we are of the further opinion that transfers of patients may be made between those institutions by administrative action in the manner indicated in section 13.

It is, therefore, our conclusion that patients may be transferred between the State Hospitals and Pineland, and Pineland and the State Hospitals, under the provisions of section 13, Chapter 27, Revised Statutes of 1954.

Very truly yours,

JAMES GLYNN FROST
Deputy Attorney General

November 19, 1959

To: Earle R. Hayes, Executive Secretary of Maine State Retirement System
Re: Maine Maritime Academy — Participation in Old Age and Survivor's Insurance Program

We have your memo of October 13, 1959, relating to the Maine Maritime Academy and that Academy's participation in the Old Age and Survivor's Insurance Program.

In an opinion dated April 9, 1958, we indicated to you that the Academy did not conform to the definition of political subdivision as set forth in Chapter 65, section 2, Revised Statutes of 1954 (Social Security Act) so long as the State of Maine continued to pay those expenses of the Academy that normally would be paid by the Academy if it were a political subdivision of the State and participating as such in our Maine State Retirement System.

You presently ask if the Academy would be entitled under our law to participate in the Social Security Program if the Academy were in the Maine Retirement System, paying its own cost in that program as a local participating district.

The answer to your question is, Yes.

Chapter 288, Public Laws 1957, as we indicated in our memo of April 9, 1958, placed the Academy in the position of being able to participate in the Social Security Program "on the same and equal footing with the other State instrumentalities mentioned in the Social Security law." Chapter 288 reads as follows:

"The provisions of this chapter shall also apply to employees of the University of Maine and Maine Maritime Academy who are members of an existing retirement or pension system."

(This Chapter amended our Social Security law, Chapter 65, section 1, Revised Statutes of 1954.) In our opinion that meant that the Academy must, as did other such instrumentalities, have such a separateness of identity as would bring it within the definition of "political subdivision" as set out in Chapter 65, section 2, Revised Statutes, 1954.

The assumption by the Academy of the costs of participation in the Maine Retirement System achieves a separateness required by the Social Security Act, and we are of the opinion that under such circumstances the Academy is qualified to participate in the Social Security program.

JAMES GLYNN FROST
Deputy Attorney General

December 7, 1959

To: Carleton L. Bradbury, Commissioner of Banks and Banking

Re: Conversion of a State chartered savings and loan association to Federal charter

In my opinion, the language of Section 169, Chapter 59, is not sufficiently broad to allow a state chartered savings and loan association to convert to a Federal charter.

There is no specific authority given under the Maine Banking Laws relating to loan and building associations for such conversion to a Federally chartered association, such as is the case with trust companies (Section 145 through 149, Chapter 59).

Therefore, it would appear there is no present method of conversion of a Maine loan and building association to a Federal charter. If the Department of Banks and Banking has no objection to this principle, it might properly be a subject for amending legislation.

STANLEY R. TUPPER
Assistant Attorney General

December 10, 1959

To: Perry D. Hayden, Commissioner of Mental Health and Corrections

Re: Chapter 242, Public Laws 1959

I have your request for an opinion regarding whether or not the following are confidential under Chapter 242, Public Laws 1959:

- (a) decisions of the parole board in respect to the parole of a prisoner
- (b) date of parole eligibility of prisoners
- (c) the time and place of parole release

A further request has been received concerning your authority to provide the State Police with the name and place of persons on parole.

It is my opinion that the decisions of the parole board which include the date of eligibility for parole of prisoners, information used by the