

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1959 - 1960**

MAINE STATE  
LIBRARY

(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

parole board to make the determination, and the time and place of parole release are "administrative records" as used in Chapter 242, P. L. 1959, and, therefore, are held to be confidential.

In reference to your second request, I believe such notification is proper as an administrative act to insure cooperation between the law enforcement agencies. It does not seem that Chapter 242 was designed nor has the effect of impeding the exchange of information between the various law enforcement agencies when such information is requested or given to aid the enforcement agency in the performance of a duty.

GEORGE A. WATHEN  
Assistant Attorney General

December 10, 1959

To: Allan L. Robbins, Warden, Maine State Prison

Re: Inmate Funds

We have your memo of December 4, 1959, in which you ask for our decision on whether you are legally permitted to put inmate funds (running between \$10,000 and \$25,000) in a savings bank, or other interest paying establishment, and placing the paid interest in the inmate's benefit fund or a created prison educational or recreational fund.

It is our opinion that you would not be legally permitted to mingle funds of the prisoners, place them in a savings bank and apply the interest to an inmate's benefit fund or a prison educational or recreational fund.

Section 48 of Chapter 27, Revised Statutes of 1954, as amended by Chapter 65, Public Laws of 1959, is the statute regulating the handling of prisoners' funds. In its present form this section reads as follows:

"The warden shall receive and take care of any property that a convict has with him at the time of his entering the prison, keep an account thereof, and pay the same to him on his discharge."

If interest were to be taken in the manner described above and applied to a fund such as is mentioned, we believe such would be the taking of private property without due process and would be an unconstitutional administration of an otherwise constitutional statute.

JAMES GLYNN FROST  
Deputy Attorney General

December 15, 1959

To: Walter B. Steele, Jr., Executive Secretary of Maine Milk Commission

Re: Chapter 219, Public Laws of 1959

Reference is made to your memo of November 3, 1959, addressed to George A. Wathen, Assistant Attorney General.