

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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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.