

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

the law, however, to allow Town B to send its students to Town A for driver training course since driver training is not an occupational course.

Under Section 107 Town A and B may agree to a tuition charge for the occupational courses offered by Town B to the students of Town A. There is no authority to substitute an offer of a non-occupational course for a tuition charge.

You have also inquired whether or not Town A by virtue of such an agreement would be considered under the provisions of Section 107 as contracting for school privileges.

I am of the opinion that Town A would not be considered as contracting for school privileges within the meaning of Section 107. The words "or contracts for school privileges" as used in Section 107 refer to contracts for an entire curricular rather than for a limited number of occupational courses.

RICHARD A. FOLEY

Assistant Attorney General

April 20, 1961

To: Roderic O'Connor, Manager of Maine Industrial Building Authority

Re: Definition of Industrial Project as including an Engineering and Office Building

This is in answer to your request for an opinion dated April 6, 1961, as to whether or not a combination engineering and office building which will be adjacent to a manufacturing operation qualifies for state mortgage insurance under the Industrial Building Authority Law.

Revised Statutes of Maine of 1954, Chapter 38-B, Section 5, paragraph III defines "Industrial Project" as follows:

"III. 'Industrial project' shall mean any building or other real estate improvement and, if a part thereof, the land upon which they may be located, and all real properties deemed necessary to their use by any industry for the manufacturing, processing or assembling of raw materials or manufacturing products."

It is my opinion that the Industrial Building Authority is justified in making a finding of fact under Section 9-A of the law that a combination engineering and office building which is adjacent to and an integral part of a manufacturing operation is eligible for mortgage insurance as an "industrial project" within the meaning of Section 5, paragraph III, supra.

RICHARD A. FOLEY

Assistant Attorney General

April 20, 1961

To: Roderic O'Connor, Manager of Maine Industrial Building Authority

Re: Eligibility of Hatchery Plant

This is in answer to your request for an opinion dated April 6, 1961, as to whether or not a "hatchery" which is an integral part and adjacent to a poultry

processing plant qualifies as an industrial project within the meaning of Revised Statutes of 1954, Chapter 38-B, Section 5, paragraph III.

In a recent case, *C. M. T. Co., Inc. v. Me. Emp. Sec. Comm.*, 156 Me. 218, in discussing the nature of a "hatchery" the court stated:

"It would be difficult to define with precision what constitutes a 'farm' in this day of mechanized agriculture. In the instant case, however, our task is made somewhat easier by the fact that the 'hatchery' alone has attributes which give it a commercial and industrial aspect rather than an agricultural one. Aside from the artificially induced hatching of eggs and the care and feeding of newly born chicks for a very brief period, not one of the operations usually associated with a 'farm' is conducted there. . ."

It is my opinion that the Industrial Building Authority is justified in making a finding of fact under Section 9-A of the law that a hatchery which is an integral part of a poultry processing plant is eligible for mortgage insurance as an industrial project.

RICHARD A. FOLEY

Assistant Attorney General

April 27, 1961

To: Roderic O'Connor, Manager of Maine Industrial Building Authority

Re: Eligibility of Hatchery Plant

This is in answer to your request for an opinion dated April 26, 1961, in clarification of the opinion of this office dated April 20, 1961.

I am of the opinion that a new hatchery plant of itself would qualify for mortgage insurance under the Industrial Building Authority Act in the event that the Industrial Building Authority make a finding of fact that the hatchery plant is an industrial project within the meaning of the act.

RICHARD A. FOLEY

Assistant Attorney General

May 1, 1961

To: E. W. Heywood, Major General, The Adjutant General

Re: Organization — Maine State Guard

We have your letter of 4 April 1961 which reads as follows:

"1. I wish to make reference to:

- a. Sections 89-100, R. S. Maine 1954 (Maine State Guard).
- b. Section 109, Chapter 1, Title 32, US Code Annotated (Maintenance of Other Troops).

"2. The Department of the Adjutant General is currently reviewing situations which might require the organization of a Maine State Guard as referred to in reference 'a', above. Our opinion would indicate that under this reference