

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

The four basic criteria which are essential in proving State employment are as follows:

1. The individual was employed in the usual manner by which State employees were hired at the time in question.
2. The employee performed a function for the State.
3. The pay of the employee was received through usual State pay procedures.
4. The funds from which the employee's salary was paid should be State funds or at least partially from that source.

If the Board of Trustees is satisfied that the employee's prior employment meets these four criteria, the Board of Trustees may give him prior service credits. If the employee's employment does not meet these criteria, then he was not an employee of the State and is not entitled to prior service credits.

GEORGE C. WEST

Deputy Attorney General

November 10, 1961

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

Re: In-plant banking services

We have your request of October 31 for an opinion in regard to in-plant banking services proposed by Cambridge Consultants, Inc. We understand that you want our opinion as to the legality of a Maine bank conducting services for a corporate client, which services would include taking care of payroll obligations and other clerical assistance made possible through the use of various computers and other machines in the possession of the bank.

We have examined the law with regard to this matter and find that it is now an established principle that a banking corporation may act as an agent, broker or bailee if the exercise of such a function in a particular case and manner may be taken to be legitimately and incidentally connected with the transaction of the banking business.

It is, therefore, our opinion that the services proposed by Cambridge Consultants, Inc. in item number 7 of their original letter to you would be perfectly legal and proper when conducted by a properly licensed Maine banking institution.

THOMAS W. TAVENNER

Assistant Attorney General

November 22, 1961

To: Kermit S. Nickerson, Deputy Commissioner of Education

Re: Use of School Property at Loring Air Force Base for Sunday School Purposes

This department has been requested to render an opinion relative to the use of school property located on Loring Air Force Base for so-called Sunday School purposes. The situation appears to be as follows: Public buildings owned by the