

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

June 5, 1962

To: Colonel Robert Marx, Chief of Maine State Police

Re: Appointment of State Police officer as a private detective

In answer to your inquiry of May 31, 1962 relative to appointment of a State Police officer as a private detective, we believe there would be a conflict of interest.

Private detectives are licensed by the Governor with the advice of the Council. They are issued commissions and must qualify as do other appointed officers. We believe this type of office would be in conflict with the provision in Chapter 15, Section 3, that members of the State Police "shall hold no other office during this term of service."

FRANK E. HANCOCK

Attorney General

June 8, 1962

To: Madge E. Ames, Labor and Industry

Re: Application of Section 53, Chapter 30, R.S. 1954, as amended, to waitresses

Reference is made to your memo of June 7, 1962. In your memo you ask the following question:

Must a restaurant owner pay waitresses some compensation under the provisions of Chapter 30, section 53?

The question is answered in the affirmative. The pertinent provisions of this section read:

"No person, firm or corporation shall require or permit any person as a condition of securing or retaining employment to work without monetary compensation"

It is very obvious that this section shows the intent of the legislature that no one may hire an employee except for monetary compensation. This monetary compensation must be paid by the employer. The employer cannot hire a person and depend upon the generosity of customers to supply wages to his employees. Such an arrangement would not constitute monetary compensation between the employer and employee.

GEORGE C. WEST

Deputy Attorney General

June 12, 1962

To: Joseph Edgar, Deputy Secretary of State

Re: Campaign Expenses—Liability Incurred

The Campaign Reports Committee has asked this office to give an interpretation or definition of "liability incurred" as used in R. S., c. 3-A, sections 172 and 173-III.

"Liability" as used in these two sections should be interpreted as a "debt."