

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT  
OF THE  
**ATTORNEY GENERAL**

For the Years  
1967 through 1972

cannot determine whether the subject corporation is an "owner" within the meaning of 29 M.R.S.A. §102 (1964) and so required to register its vehicles in Maine. An "owner" for purposes of Title 29 and as defined for such purposes in 29 M.R.S.A. § 1 (9) (1964) means:

" . . . (A)ny . . . corporation holding title to a motor vehicle or having exclusive right to the use thereof for a period greater than 30 days or the mortgagor or vendee in a conditional sales contract . . . (;) . . . any . . . corporation . . . owning a motor vehicle or having the right to use the same, under contract, lease or hiring; . . . "

However, even if the subject corporation is an "owner" within the meaning of §102, it may be exempt from the registration requirement of that section if it has complied with the New Hampshire registration laws and New Hampshire grants registration exemption to Maine vehicles in similar circumstances; or, if the arrangement contemplated by 29 M.R.S.A. § 4 has been made and if the vehicles are operated only in intrastate commerce and within 10 miles of the Maine-New Hampshire border, exemption would likewise exist.

That portion of your inquiry as to whether the given facts state a violation of any of this state's taxation laws should be referred to the Bureau of Taxation.

ROBERT G. FULLER, JR.  
Assistant Attorney General

January 6, 1969  
Pineland Hospital and Training Center

Bruce Libby, Director, Bliss Vocational  
Rehabilitation Center

Clients of Division of Vocational Rehabilitation Referred to, and Participating in, Bliss Vocational Rehabilitation Unit Program – Status

*SYLLABUS:*

Clients of the Vocational Rehabilitation Division of the Department of Education, participating in the program at the Bliss Vocational Rehabilitation Unit of the Pineland Hospital and Training Center and residing therein are to be treated as patients of the Pineland Hospital and Training Center – Statutes relating to admission of, and responsibility for Pineland patients being applicable to such Clients.

Clients of the Division of the Vocational Rehabilitation of the Department of Education participating in the program at the Bliss Vocational Rehabilitation Unit, placed on trial visit under Title 34, M.R.S.A. § 2154, are not properly placed in the custody of a Vocational Rehabilitation Counsellor of said Division of Vocational Rehabilitation – his function being other than that of a responsible person within the contemplation of the Statute.

*FACTS:*

The Pineland Hospital and Training Center through its Bliss Vocational Rehabilitation Unit and the Division of Vocational Rehabilitation of the Department of Education have in process a cooperative venture in the operation of this Unit. Persons admitted to the Pineland Hospital and Training Center as part of their program may

utilize the services of the Bliss Unit. Also, persons who are clients of the Division of Vocational Rehabilitation of the Department of Education may be referred to the Bliss Unit to then reside at such facility and participate in its program. Services available in other parts of the Pineland Hospital and Training Center, e.g., physical therapy, speech therapy, psychotherapy, may be required by such referred clients and may be provided to such person in conjunction with the program offered within the Bliss Rehabilitation Unit. Clients of the Vocational Rehabilitation Division of the Department of Education referred to the Bliss Rehabilitation Unit may, following completion of a program within that Unit be placed in the community in the custody of a responsible person, there to pursue an independent or partially independent life. Initially, often such placement may be by way of a trial, the person – remaining subject to the Bliss Rehabilitation Program.

*QUESTIONS:*

1. Is a client of a Vocational Rehabilitation Division of the Department of Education, residing at the Bliss Vocational Rehabilitation Unit and participating in its program to be considered a patient of the Pineland Hospital and Training Center and thus, subject to laws pertaining to that institution and admission thereto?

2. May a Vocational Rehabilitation Counsellor of the Division of Vocational Rehabilitation of the Department of Education be considered a responsible person under Title 34, M.R.S.A. §2154?

*ANSWERS:*

1. Yes.
2. No.

*REASON NO. 1:*

An analysis of the laws relating to the Pineland Hospital and Training Center, including provisions relative to admission procedures and the laws relating to the Division of Vocational Rehabilitation of the Department of Education brings us to the conclusion that clients, so-called, of the Division of Vocational Rehabilitation of the Department of Education participating in the Bliss Rehabilitation Program as described in the facts, in order to so participate in such program must be admitted to the Pineland Hospital and Training Center in accordance with applicable admission procedures, as in the case of any other patient admitted to that facility.

The Bliss Vocational Rehabilitation Unit is not an autonomous entity functioning apart from the Pineland Hospital and Training Center, but is an integral part of the total Pineland program, exists on the property of that institution and is under the supervision and control of the Superintendent of Pineland. It is our further opinion that the services of the Pineland Hospital and Training Center respecting resident patients are available to such patients only if they are admitted to Pineland in accordance with law. We find no laws relating to the Division of Vocational Rehabilitation of the Department of Education, which in any way alter the applicability of statutes pertinent to the Pineland Hospital and Training Center, in such cases.

Under statutes applicable to the Division of Vocational Rehabilitation of the Department of Education, that Division may work cooperatively with other agencies in the establishment of Vocational Rehabilitation Facilities, and may participate in the operation of such facilities. (See: Title 20, M.R.S.A. §3059.)

This permissive legislation, however, can not be said to alter statutory provisions applicable to admission to, and the operation of, a facility with respect to which the Division of Vocational Rehabilitation is functioning cooperatively.

We find basis for our opinion in the following language of Title 34, M.R.S.A. § 2151, relating to the Superintendent of the Pineland Hospital and Training Center:

“ . . . . . He shall be responsible for the training, education, treatment and care of all persons received into the Pineland Hospital and Training Center. He shall be responsible for the release of all such persons, except those placed in the Pineland Hospital and Training Center under Title 15, § § 101 or 103. He shall have direct supervision, management and control of the grounds, buildings and property and officers and employees of the Pineland Hospital and Training Center, subject to the approval of the Department.”

*REASON NO. 2:*

Title 34, M.R.S.A. 1964, § 2154 reads as follows:

“The Superintendent of the Pineland Hospital and Training Center may at his discretion, except in instances of placement in the Pineland Hospital and Training Center under Title 15, § § 101, 103, release any patient for a definite or indefinite length of time to any responsible person under such conditions as the superintendent may specify, which release may at any time be revoked or extended. No such patient shall be allowed to leave the institution temporarily until an agreement has been procured by the superintendent from some responsible person or persons to provide such patient with proper care during his period of temporary absence from the institution. In the event that any such patient should fail to return to the institution at any time required by the superintendent, full power to retake and return such patient is expressly conferred upon the superintendent, whose written order shall be a sufficient warrant authorizing any officer named therein to return such patient to the institution.”

It is the opinion of this office that the Vocational Rehabilitation Counsellor, employed by the Division of Vocational Rehabilitation of the Department of Education, is not in that class of persons contemplated by the Legislature to assume responsibility under the above quoted section.

COURTLAND D. PERRY  
Assistant Attorney General

January 8, 1969  
Labor and Industry

Madge E. Ames, Director Min. Wages

Maine Institution for the Blind – Minimum Wage Coverage

*SYLLABUS:*

When a nonprofit organization is not receiving a major portion of its income from public sources, it is not a public-supported nonprofit organization and is subject to the minimum wage law.