

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

For the Years
1967 through 1972

exist confront the issue of whether or not a hull and/or boat is completed to such a stage that admiralty courts will have jurisdiction or whether state courts will have jurisdiction. Without exception, these cases differentiate between a hull and a completed boat or vessel. These admiralty decisions are useful in defining the term “boat” in 36 M.R.S.A. § 1760 (25) of the Sales and Use Tax Law.

The Oregon Supreme Court in *Northup v. The Pilot*, 6 Ore. 297 (1877) stated at page 299:

“. . . it must be a boat or vessel used in navigating the waters of the state, and evidently must be such a boat as is complete and capable of being used in the business of carrying freight or passengers, and one which would be subject to commercial regulations.

“The hull of a boat without the other parts necessary to its use is not a boat . . .”

Seven years later the Oregon Supreme Court in *Yamberg v. Watson*, 4 P. 296, stated at page 297:

“But a boat in an unfinished state, and wholly unfit for carriage of men or goods on water, or for any purpose for which such a vehicle is intended, is not a vessel.”

Finally, the Circuit Court of Appeals, Fifth Circuit, in *R. R. Ricou & Sons Co. v. Fairbanks, Morse & Co.*, 11 F 2d 103 (1926) stated at page 104:

“We think that the allegations of the libel fairly import that the structure libeled, namely, the boat Nuska, was a water craft, not an uncompleted structure intended to be a boat when it was finished. In common usage the words, “boat” and “vessel” are understood to describe structures so far completed as to be capable of being used as a means of transportation on water.”

In view of the above cases, a hull is not to be considered a boat for the purposes of 36 M.R.S.A. § 1760 (25), unless cabins, a superstructure, wiring, engines, etc., have been added and the boat deemed complete.

2. There is no exemption provision which would apply to the sale of a hull to a nonresident for completion into a boat at a second Maine boatyard.

WENDELL R. DAVIDSON
Assistant Attorney General

March 31, 1969

Elden H. Shute, Jr., Deputy
Secretary of State

Registration of certain political committees

SYLLABUS:

A committee organized to raise funds to repay campaign-incurred obligations and to put funds into a political party treasury is a “political committee” within the meaning of 21 M.R.S.A. § 1 (24) (1964) and so required to register with the Secretary of State under § 1393 of that Title.

FACTS:

A committee is organized with the stated purposes of raising funds “to help offset ’68

campaign deficits and to assist in assuring a (national political party) victory in Maine in 1970". It appears that any funds raised in excess of those needed to defray campaign deficits will be donated to the state political party committee.

QUESTION:

Is the committee a "political committee" required to register, under 21 M.R.S.A. § 1393 (1964), with the Secretary of State?

ANSWER:

Yes.

OPINION:

A "political committee" is defined in 21 M.R.S.A. § 1 (24) (1964) as:

" . . . 2 or more persons associated for the purpose of promoting or defeating a candidate, party or principle."

The proposed purposes of the committee, insofar as they relate to raising money to pay off campaign debts, are not purposes of "promoting or defeating a candidate, party or principle". However the stated purpose of "assuring a (party) victory in Maine in 1970" is clearly such a purpose. Therefore, the fund-raising committee must register.

ROBERT G. FULLER, JR.
Assistant Attorney General

March 24, 1969
Augusta State Hospital

John C. Patterson, M.D., Superintendent

Clarification of Overtime Status Under Federal Fair Labor Standards Act –
Amendments 1966

SYLLABUS:

Overtime compensation payable under the Fair Labor Standards Act to covered employees of the Augusta State Hospital is computed on the basis of a 40 hour workweek, i.e., hours worked over 40 hours are compensable at time and one-half. A workweek within the contemplation of the Fair Labor Standards Act is any period consisting of 7 consecutive 24 hour days and need not be computed as a calendar week.

FACTS:

Employees of the Augusta State Hospital have inquired into whether overtime is payable for any hours worked over 8 in any one day, or whether overtime is payable for only hours worked beyond 40 hours in a workweek. The Augusta State Hospital has a fixed workweek running from midnight Saturday to midnight the following Saturday.