

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

NOVEMBER 30, 1918

MERRILL & WEBBER CO., AUBURN, MAINE

PRINTERS AND BOOKBINDERS

LOAN AND BUILDING ASSOCIATIONS—TAXATION OF BONDS OF MAINE REAL ESTATE AND TITLE COMPANY.

26th January, 1917.

Norman H. Fay, Esq., Governor's Council, Augusta, Maine.

DEAR MR. FAY: In reply to your inquiry as to whether or not the bonds of the Maine Real Estate and Title Company are taxable in the hands of a loan and building association under title of investments other than in loans on real estate and on shares of the association, I beg to say that in my opinion such bonds are taxable.

In construing any statute relating to taxation, it is a rule of law that all real property and all personal property of inhabitants of the State is subject to taxation unless specifically excepted by the laws of the State from taxation, and an exemption from taxation is never created by implication.

Section 64 of Chapter 9, Revised Statutes of 1916, relates to the taxation of loan and and building associations and provides that every loan and building association shall semi-annually on the last secular days of March and September by its secretary make return of the net amount of its investments, other than in loans to individuals and corporations on real estate and on the shares of the association, and further provides that a tax of one-half of one per cent. on the average amount so returned of such "*investments*" shall be paid to the treasurer of the State. There is no specific intention expressed in this statute or elsewhere in the laws of our State to exempt any part of such "*investments*" from taxation, no matter in what form or of what kind they may exist. Such an exemption, as said before, cannot be created by implication and not being found written into our law, it cannot be presumed or declared to exist.

It might be well to note in this connection that up to 1915, there was no specific provision exempting savings banks from taxation upon loans made on bonds secured by real estate mortgages and such a provision was in that year written into that law by the legislature. We cannot but believe that it was necessary to specifically make such a provision, as otherwise the legislature would not have taken the trouble to make such an amendment. In that case, the general rule prevailed that no exemp-

tion could be implied and no exemption allowed which was not specifically set out.

The fact that the bonds of the Maine Real Estate and Title Company were declared to be exempt from taxation in the charter of the company granted by the legislature of 1915 does not relieve the loan and building association from liability for this tax in my opinion. An amendment to the existing laws must be made specifically making such bonds free from liability to taxation in order to relieve an association from the provisions of this section 64 of Chapter 9.

Yours very truly,

GUY H. STURGIS,
Attorney General.

WORKMEN'S COMPENSATION—COMPUTATION OF
AVERAGE WEEKLY WAGE WHERE EMPLOYEE
WORKS SEVEN DAYS PER WEEK.

19th February, 1918.

Industrial Accident Commission, Augusta, Maine.

GENTLEMEN: We have your letter of January 29th, asking for an opinion as to the method of figuring the compensation under Chapter 50, Revised Statutes, Section 1, paragraph 9, where the injured employee labors seven days a week.

Chapter 50, Section 1, paragraph 9, provides two methods of arriving at the average weekly wages, earnings or salary of an injured employee.

First: If the injured employee has worked in the same employment in which he was working at the time of the accident for a year, his average weekly wages are found by multiplying his average daily wage by 300 and dividing by 52.

Second: If the injured employee has not so worked in such employment during substantially the whole year immediately preceding his injury, his average weekly wages are found by multiplying the average daily wages, earnings or salary of an employee of the same class working substantially the whole of the immediate preceding year in the same or similar employment by 300 and dividing by 52.