

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

Any person employed by the legislature, who is regularly employed in a State department, commission, institution or other agency of the State, is eligible to become a member of the Retirement System. Legislative committee clerks and stenographers who are not otherwise regularly employed in a State department would constitute a class of employees who are serving on a temporary or other than per annum basis, whose entry into the System may be controlled by the discretion of the Board of Trustees.

July 16, 1942

From:
The Attorney General

To:
William D. Hayes, State Auditor

Thanks for returning my memo of June 19th, in reply to yours of May 8th in regard to the Deer Isle Bridge District. My conclusion was based on my understanding that the State of Maine did issue bonds under Chapter 133, Resolves of 1935, which became Section 21 of Article IX of the Constitution.

I have checked through the various statutes to see if we can safely reach the conclusion that the State Treasurer may make payments of interest and for retirement of the Bridge District bonds directly to the National Shawmut Bank of Boston, or to such other bank as may be the owner of the bonds, or acting as trustee or as collection agent for the bondholders.

In my opinion the State Treasurer cannot do this unless through the neglect of the Trustees there is an actual default in the bonds. If the default occurs then the State can step in and use such reasonable means as may be necessary to protect the bridge. This is because of the fact that the State has a very great interest in the bridge, and on the State officials is placed the duty and responsibility of handling and maintaining the bridge, collecting tolls and doing all things necessary to protect the bridge as a part of our highway system.

Apparently the next Legislature should be asked to amend the law so as to get rid of the Trustees entirely, or to provide that payments can be made directly to the bank without having to consider the Trustees.

FRANK I. COWAN
Attorney General