

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

To:
Governor Sewall

November 18, 1942

From:
The Attorney General

Wage and Salary Adjustment Federal Statute

1. The State of Maine must reject the suggestion contained in the regulation issued by Mr. Byrnes, the director under the Wage and Salary Adjustment Act, that States are subject to this particular law.

2. The State of Maine recognizes that officials in Washington are conscientiously endeavoring to carry the war through to a successful conclusion and at the same time prevent, in so far as they can, any unnecessary disruption of economic conditions surrounding our civilian population.

3. It is the desire of the State of Maine to cooperate with the men who are handling the nation-wide problems, and, even when we disagree with them in regard to certain internal matters, we will travel with them if no fundamental rules are being upset and no precedents set that will cause danger to our democratic form of government.

4. I see no objection to our certifying to the National War Labor Board any adjustment in salaries as made among State employees, provided the certificate expressly recites that the State does not accept the theory of authority in the Board so far as the State is concerned, and that the certificate is being filed simply for the convenience of the Board.

FRANK I. COWAN
Attorney General

From:
Frank A. Farrington, Deputy Attorney General

December 4, 1942

To:
Earle R. Hayes, Secretary
Employees' Retirement System

You ask for an opinion as to whether an employee retired under the provisions of the old Retirement Law of the Governor and Council and who was at the time of retirement also a member of the New Retirement System, may, upon such retirement, be refunded the amount he has contributed to the new System by the processes of payroll deductions, or otherwise.

Reference to Section 227-H of Chapter 328, Public Laws of 1941, indicates that contributions shall be paid to a member who ceases to be an employee except by death or by retirement under the provisions of Sections 227-A to 227-T.

Section 227-C (3) provides for retention of rights under Sections 227 to 233, inclusive, of Chapter 1 of the Public Laws of 1933. It therefore follows that retirement under the circumstances set forth in your memorandum is retirement under the provisions of Sections 227-A to 227-T of Chapter 328, Public Laws of 1941, and that no refund of amounts paid to the new System should be made.

Deputy Attorney General

December 23, 1942

From:

Frank A. Farrington, Deputy Attorney General

To:

David H. Stevens, State Tax Assessor

Subject: School Funds in Deorganized Towns

Reference is to your memorandum of December 22nd. In reply to your inquiry and with reference to a previous inquiry by George E. Hill, former State Tax Assessor, on December 16, 1941, and the replies of the Attorney General of December 17 and 18, 1941, the following answer is given.

The memorandums of the Attorney General, indicated above, seem to have been misinterpreted as nothing is found in them which states that bills contracted for but not paid, where funds are available for payment, would make such funds constitute unexpended funds. The memorandums referred to do state that funds coming within the definition of Section 2 of Chapters 4 and 21 of the Private and Special Laws of 1941 should be delivered to the State Treasurer.

It is the opinion of this department that the intent of the legislature was to prevent use of school funds for other than school purposes and that any school funds in the possession of the town at the time of deorganization which would cover bills contracted for but unpaid, should not be considered as funds unexpended for school purposes.

This same theory would apply to funds which would be apportioned to the town covering the period before deorganization and which funds could be used by the State Tax Assessor in administering the affairs of the town after deorganization, in so far as bills contracted for school purposes prior to deorganization, but unpaid, are concerned.

Deputy Attorney General