

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

eral wage and salary freezing law. At the meeting of the National Association of Attorneys General in St. Louis on November 24th, the matter was brought up for discussion and it developed that the Attorney General of Maine was the only one who had at that time been called upon to define the position of a State. I was requested by the Attorneys General present to inform them for the record what the attitude of the State of Maine is to be, and I did so. The National Association thereupon instructed President Tom Herbert, Attorney General of Ohio, to lay the record before Director Byrnes. He requested me to go to Washington with him, but I told him I was too busy here in Maine and that I felt the record would speak for itself.

He laid the record before the Director and, it is my understanding, informed the latter my statement expressed the ideas of the several Attorneys General. Director Byrnes thereupon renounced his demand that the States ask his permission to make changes in salary wage schedules and I have today received a letter from Frank Bane, the Executive Director of the Council of State Governments, in which he says: "State and local governments are no longer asked to certify salary adjustments to the Board or the Commissioner."

You should, therefore, hereafter withhold any certification to the National War Labor Board in regard to changes in wages or salaries of State employees.

Attorney General

January 5, 1943

From:

Frank I. Cowan, Attorney General

To:

Hon. Sumner Sewall, Governor

Section 227-N of the Jointly-Contributory Retirement Act provides that pensions granted prior to July 1, 1942 shall be continued and paid from the Pension Accumulation Fund provided for in the new law. The question as to what shall be done about pensions for persons retired since June 30, 1942, is not clearly covered by the Act. However, Section 227-C (3) extends the "rights and benefits" of the old Act to persons who will become eligible prior to July 1, 1945. It seems proper to me to regard this provision as a modification of Section 227-N and to extend to persons who will have fulfilled the qualifications before July 1, 1945 the protective provisions of Section 227-N.

It seems to me further proper that we should accept the use of the word "right" as used in Public Laws 1941, Chapter 328 (Jointly-Contributory Retirement Act), as a definition by the Legislature of the status of the pensioner under the old system, thus avoiding the embarrassment in which we might find ourselves if we clung to the common law definition sometimes laid down by text writers that a

pension by the State is a "gratuitous allowance". By accepting the legislative definition, we can logically place pensions granted under the old system in the class referred to in Revised Statutes, Chapter 2, Section 103 (Contingent Fund) and can properly say that if the Legislature at any session, through inadvertence or otherwise, fails to provide sufficient money to take care of pensions the amounts necessary to take care of them can be drawn from the Contingent Fund.

Attorney General

January 8, 1943

To:

Alfred W. Perkins, Comm'r

Insurance

From:

Frank A. Farrington, Deputy

Attorney General

The Licensing of Agents and Corporations

Reference is to your memo of January 7th, addressed to the Attorney General. You ask whether you would be permitted under the present statutes to issue licenses to agents and corporations transacting the business of insurance, so worded that the license would be good until the first day of July following the date of issue, and to the first day of July from year to year thereafter after meeting renewal requirements.

It is understood that your control of these licenses is through the companies which the individual agents represent, so that no difficulty would be encountered in calling in licenses which might not be renewed.

In the opinion of this department, there is nothing in the present statutes which would prevent your department from issuing licenses in the manner outlined in your memorandum.

FRANK A. FARRINGTON

Deputy Attorney General

January 13, 1943

To:

F. K. Purinton, Exec. Sec'y

Executive Department

From:

Frank A. Farrington, Deputy

Attorney General

I have your memo of January 12th asking if the offices of Mayor and Member of the State Tax Equalization Board are compatible, with a specific reference to Mr. Williams who, according to this morning's newspaper, appears to be on the verge of becoming Mayor of Augusta.