

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

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.

Section 30 of Article II, Chapter 216, Public Laws of 1931, provides that the Board of Equalization “. . . shall consist of the State Tax Assessor as Chairman, serving without additional salary, and two associate members, one of whom shall be of the minority party not otherwise connected with the State government or local government thereof . . .”.

In view of the wording of the statute quoted, it is the opinion of this department that Mr. Williams may not be Mayor of Augusta and also a Member of the Equalization Board, and that his resignation would be in order when he becomes Mayor.

Deputy Attorney General

January 13, 1943

From:

Frank A. Farrington, Deputy Attorney General

To:

Harry V. Gilson, Commissioner of Education

Subject: Amended Census of Freeman Township, Franklin County

In a memorandum dated January 8th, you ask for an opinion as to the validity of an amended census for Freeman Township as of April 1st, 1941, compiled for the purpose of ascertaining a school tax in accordance with the provisions of Chapter 19, Revised Statutes of 1930, as amended.

You enclose as paper #1, the original census and later amendment in accordance with later information to correct errors in the original census; paper #2, copy of school tax as assessed by the State Tax Assessor; paper #3, letter from Mr. Ralph M. Simmons; paper #4, paper from E. E. Carville; affidavits and other papers marked exhibit #5; paper #6, showing result of investigation by Mr. DeCosta, School Agent.

In the opinion of this department, since there appear to be 200 persons resident of Freeman Township, the amended census is valid for the purpose of ascertaining school tax in accordance with the provisions of Chapter 19, Revised Statutes of 1930.

We are returning, herewith, all those papers enclosed with your memorandum.

Deputy Attorney General

January 14, 1943

To:

Alfred W. Perkins, Commissioner

Insurance

From:

The Attorney General

Policy Form 1650, Modern Woodmen of America

I have your memorandum of January 13th. The Supreme Court of the United States in the case of *Modern Woodmen of America v. Mixer*, 267 U. S. 544, 69 Law Ed. 783, used the following language: