

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

February 24, 1943

To:

Henry P. Weaver, Chief

State Police

From:

Frank A. Farrington, Deputy

Attorney General

Arthur F. Duplisea—Your Memo of February 20, 1943

Your memorandum above referred to has been received, along with copy of Mr. Duplisea's letter, copy of the letter of Mr. Goss, and copy of O. D. T. General Order No. 20.

You ask for the opinion of this department as to whether O. D. T. General Order No. 20 supersedes our State law.

It is the opinion of this department that O. D. T. General Order No. 20 has no bearing on the State law in connection with operating a taxicab, except in so far as it may limit the operation of taxicabs.

Under the circumstances existing at the present time, considering the share-the-ride program which is being carried out particularly among those working in the shipyards, this department agrees with the feeling of the Secretary of State that there is a marked difference between a case where a man is carrying fellow-workers and a case where one operates and holds himself out to the public as operating a vehicle for hire as a business. It is our understanding from conversation with the Public Utilities Commission that they do not concern themselves with anyone carrying nine or less passengers under such circumstances.

From the terms of your memorandum, we are not sure that we have given you the information that you desire, and if we have not please say so and we will try to give you the desired answer.

FRANK A. FARRINGTON

Deputy Attorney General

February 24, 1943

To:

William D. Hayes, Auditor

Auditor

From:

Frank A. Farrington, Deputy

Attorney General

Joint Contributory Retirement System

Reference is to your memorandum of February 13th, in which you ask certain questions relative to a retired member of the System who subsequently re-enters the employ of the State.

The opinion of this department relative to these questions follows in the order in which you asked the questions.

1. If an employee is restored to service who was retired under 227-E, he is not entitled to receive both compensation for services and retirement pension, and the amount of combined pension and compensation would not affect the answer. The answer to this question, as well as the others you ask depends, in the opinion of this department, on the interpretation of the words "restored to service",