

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

It is the opinion of this department on the facts stated that the fact that the deceased had been a member of the Coast Guard does not constitute a fact which changes the State requirements.

I am returning herewith Mr. Riley's letter.

FRANK A. FARRINGTON
Deputy Attorney General

June 23, 1943

Victor H. Hinkley, Chairman,
Maine Board of Commissioners of Pharmacy,
Brewer, Maine.

Dear Mr. Hinkley,

A question has arisen relative to the sale of so-called exempt narcotics by persons not qualified as pharmacists or physicians.

Section 19, Chapter 23, R. S. 1930, as amended by Section 9, Chapter 160 of the Public Laws of 1939, reads in part as follows:

"No person except a registered apothecary or a physician of regular standing in his profession, shall furnish, sell, or keep for sale any opium, morphine, laudanum, or preparations containing opium, morphine or derivative of opium."

Under these terms no one other than those specified therein is permitted to make such sales.

Question has been raised as to whether the Uniform Narcotics Act, Chapter 251, P. L. 1941, has modified said Section 19. After extended study of its provisions, it is the opinion of this department that it does not affect said Section 19 and that under the Maine statutes no one other than a registered pharmacist or a physician of regular standing can sell the so-called exempt narcotics.

This opinion replaces any opinion on the subject which may have been rendered heretofore to any person on the same subject.

Very truly yours,

FRANK A. FARRINGTON
Deputy Attorney General

June 24, 1943

To:
Earl Hutchinson, Director Secondary Ed.

Education

From:
Frank A. Farrington, Deputy

Attorney General

Eligibility of Academic Teachers for Membership in Contributory and Non-Contributory Systems

Reference is to your memorandum of February 15th on the above subject, reply to which has been delayed pending conference, which conference has been held this morning.

Under Section 219, Chapter 19, R. S. 1930, the non-contributory pension Act, requirements for eligibility appear to be that in schools other than public schools, in order for a teacher to be eligible, the school must be supported fully or at least three-fifths by State or town appropriations and must be under public management and control. In this section, "state or town appropriation" should be construed as meaning "state and/or town appropriation." Under this section, "public management and control" means a joint board as required under Section 92 of said Chapter 19. In the opinion of this department, both requirements are essential for teachers to be eligible.

Under Section 229 of said Chapter 19, subsection I, the requirements for membership in the contributory system for a teacher in a school other than a public school are that such school has contract relations with a town under Section 92 and receives at least three-fifths of its support from the State and/or town, thus interpreting "state" as meaning public funds.

Under said Section 92, if the money paid under the contract equals or exceeds the income of the academy for the preceding year, exclusive of sums paid said academy by the contracting town, it is required that there be a joint committee; but if the amount paid under the contract amounts to less than half of the income of the academy for the preceding year, exclusive of the amount paid under the contract, then it is not necessary for a joint committee to be in existence in order for a teacher in such academy to be eligible for membership in the contributory system.

The word "support", as used in Section 229 (I) should be interpreted as the amount expended for running the scholastic part of the school, exclusive of costs of running dormitories, costs of feeding pupils, and similar non-scholastic costs.

FRANK A. FARRINGTON
Deputy Attorney General

June 24, 1943

To:

J. A. Mossman, Commissioner

Finance

From:

Frank I. Cowan

Attorney General

I have your memorandum of June 22nd, asking whether proceeds of the State Highway Bond Issue, issued under the provisions of P. & S. 1941, Chapter 68, may, by reason of inability to use the money for the original purpose, be invested in U. S. Government securities under the provisions of P. L. 1943, Chapter 192.

Although the amendment to R. S. 1930, Chapter 2, Section 75, which appears as P. L. 1943, Chapter 192, uses the word "investment" in connection with the purchase of "bonds, notes, certificates of indebtedness or other obligations of the United States of America which mature not more than one year from the date of investment," it is evident that the legislature had in mind the same type of limited in-