

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1943--1944

I enclose galley proof which is now being prepared of the next revision and which incorporates all the legislative amendments to date with regard to additional powers conferred upon municipalities since the last revision in 1930. You will notice that under none of these provisions can a municipality adopt a by-law or ordinance dealing with the subjects herein referred to.

Since the municipal officers have no inherent powers of legislation and the right to legislate rests solely with our legislature, I believe that the legislature would be the only body that could enact legislation on the subject.

Very truly yours,

ABRAHAM BREITBARD

Deputy Attorney-General

February 17, 1944

Mr. X

Dear Sir:—

I have your letter of February 7th in regard to a pensioner of the State serving in the legislature. This office has never issued a formal opinion on the subject, although in correspondence and in discussions with the Governor and other State officials we have expressed a strong feeling that it is contrary to public policy.

There are certain retired State employees who are receiving an annual stipend as a result of contributions made to Retirement Systems. Such persons are receiving their stipends as a matter of right and not as a matter of grace. In your particular case, as I recall, you were not a contributor to the Teachers' Retirement System, and the pension you are receiving is a pension pure and simple, set up by the favorable vote of the Governor and Council and subject to revocation by the same source. In connection with persons in your situation my very strong advice has been against taking a chance on getting themselves into a political situation where a hostile Governor and Council might stop the pension.

Very truly yours,

FRANK I. COWAN

Attorney-General

February 17, 1944

William D. Hayes, State Auditor

I have your memo of February 14th in regard to salaries of the superintendents of the thirteen State institutions. Chapter 300 of the Public Laws of 1943, apparently makes no fundamental change in sections 3 and 4 of Chapter 223, P. L. 1939, except that it eliminates the fifth-wheel "Director of Institutional Service." Otherwise, it seems to be purely for the purpose of getting rid of redundancy.

A reading of the whole Act shows no apparent intention on the part of the legislature to take the employees of the institutions away from the protection of the Personnel Law. The general statute (P. L. 1937, Chapter 221, Section 6) provides that "The classified service shall con-