

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1943--1944

engaged in teaching," upon entering the military or naval service shall have the benefits of the Act and during such service, in addition to its own share, the State shall contribute such amounts as the member would have been required to contribute, if he had been teaching within the State, etc. Thus, in order to have the benefits of this section, one of the requirements is that he shall have been a member for more than a year, and members who have been such for less than that period cannot have the benefits of this law.

The subject of the inquiry had been a member for approximately five months before entering the service, and you ask whether his membership can be made retroactive to commence as of the date when he began teaching, some two and a half years before he became a member. We find nothing in the statute which permits this and hence the question must be answered in the negative.

ABRAHAM BREITBARD

Deputy Attorney-General

February 18, 1944

Mrs. Mildred Akin
36 Davis Street
Old Town, Maine

Dear Madam:—

This office has previously ruled, and adheres to the same ruling, that under the Revised Statutes, Chapter 13, Section 6, Paragraph VIII, the polls and estates of Indians are not taxable.

However, in case an Indian votes, his estates are taxable.

Very truly yours,

ABRAHAM BREITBARD

Deputy Attorney-General

February 18, 1944

Harrison C. Greenleaf, Commissioner of Institutional Service

In answer to your memo of February 16, 1944, relative to Section 11 of Chapter 131 of the Revised Statutes: You inquire if this statute applies to members of the State legislature and whether they are State officers within this section.

I have looked through the files of this department and find that apparently this has been an ever-recurring question. On March 23, 1931, the late Chief Justice Pattangall wrote to the Attorney-General, Clement F. Robinson, as follows:

"Section 11, Chapter 131, Revised Statutes 1930, reads, 'No trustee, superintendent, treasurer, or other person holding a place of trust in any state office or public institution of the state,' etc.

"I hardly see how a member of the legislature could be said to be either a trustee, superintendent, treasurer, or other person holding a place of trust in any state office or public institution of the state. I am not even sure that this section applies to members of the Governor's Council. The wording is quite different than I supposed."