

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1943--1944

necessary interchange of activities between instrumentalities of the Canadian Government on the one hand and the United States of America and the various States on the other, you may rebate the gas tax on all past and future sales in the case of emergency purchases made by the Royal Canadian Air Force.

FRANK I. COWAN

Attorney-General

July 7, 1944

Honorable Owen Brewster
United States Senate
Washington, D. C.

Dear Senator:

We are somewhat troubled about the possible invalidity of marriages performed within the confines of Federal reservations where exclusive jurisdiction has been acquired by the Federal government, by ministers acting under authority of State laws. Recent decisions of the United States Supreme Court on the matter of the extent to which the State's jurisdiction can continue to operate and the laws of the State continue to function, make it very possible, in the absence of a Federal marriage law, that all these weddings will be declared invalid.

I am not unaware of the implications in the case of *Stewart vs. Sadrakula*, decided Jan. 29, 1940, and appearing in 309 U. S. 94, 84 L. Ed., 596 but this is a very old decision as decisions go nowadays. Moreover, we cannot avoid noting the fact that the decision in the *Stewart* case provided compensation in the case of an injured employee, and we cannot feel certain that the Court as today constituted would arrive at the same conclusion if the persons seeking benefit of the State law were not seeking it in that particular category.

I am wondering if it would not be wise for Congress to provide by legislation, in matters where there will be no interference with Federal functions, that State laws will continue in full effect on Federal reservations within the geographical limits of the State until such time as Congress has passed express legislation covering the particular subject.

Sincerely yours,

FRANK I. COWAN

Attorney-General

July 11, 1944

E. E. Roderick, Deputy Commissioner of Education

*Suspension of Pension While One is Teaching under the Provisions of
R. S. 1930, c. 19, §223*

In answer to your memorandum of June 29th, we are of the opinion that the last sentence of Section 223, which reads as follows:

The payments of any pension shall be suspended whenever the person to whom said pension has been granted resumes teaching in any private or public school.

has no reference to temporary or intermittent substitute teaching, and in particular where it is done at the request of a superintendent in order to fill in during the absence of a regular teacher. I am of the