

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1945-1946

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velopment is not included in the valuation as assessed by the State Bureau of Taxation, only \$5800 (if our computation is correct) should be added to the other three specified funds, instead of the full amount of \$13,262.

I have been advised by the State Bureau of Taxation that the assessed valuation of the Federal Housing Development is not included in the valuation as fixed by the State Bureau of Taxation, and I am inclined to agree with the Federal Works Agency that your tabulation sheet on equalization fund subsidy for December 1944 should be revised to conform to Section 204 of Chapter 37, R. S. 1944.

RALPH W. FARRIS
Attorney General

February 27, 1945

To Hon. Harold I. Goss, Secretary of State

The American Railway Express Company has requested "zone privilege number plates" for trucks registered in the State of New Hampshire and garaged at Portsmouth and Dover in said State. These trucks are used not only in that State but also to make deliveries across the boundary line into this State and within an area of 15 miles from the boundary line of said State. The question is whether it is entitled to this privilege under Section 57 of Chapter 19, R. S. 1944.

Prior to 1937, zone privileges under the first paragraph of this section were limited to residents of the bordering State or country residing within 15 miles by highway of the border-line of this State to operate in an area on the ways of this State within 15 miles from the border-line of "his" State, providing reciprocal rights of the same nature were granted to residents of this State.

The American Railway Express Company could not have come within the provisions of this paragraph, since it was not a resident of either New Hampshire or Maine, it being a foreign corporation organized under the laws of another State.

By amendment in 1937, Chapter 239 of the session laws of that year, it was provided, so far as here pertains, that

"motor trucks having a rated carrying capacity of 3 tons or less which are duly registered according to the laws of another state or country which grants like privileges to such trucks registered in this state, and to the operators thereof, shall not be required to be registered in this state when operating within the 15 miles zone limit herein provided."

I am of the opinion that by this amendment the intention was to extend the privilege to trucks registered in a bordering state or country, irrespective of the residence of the registered owner. In other words, residence is no longer a condition, registration in such bordering State or country being sufficient, providing of course reciprocity of similar privileges is granted to registrants of motor vehicles of this State.

The applicant American Railway Express Company would be entitled to zone privilege number plates for trucks rated as to carrying capacity of 3 tons or less under these provisions, if New Hampshire grants similar privileges to residents of this State.

ABRAHAM BREITBARD
Deputy Attorney General

February 28, 1945

To William O. Bailey, Department of Education

Referring to your memo of February 14, 1945, relating to funds received from the Federal Works Agency pertaining to the allocation of Lanham Act funds to the Town of Kittery, I will say that my ruling of February 26th, addressed to Commissioner Gilson, was based on the fact that the Town of Kittery had received only \$13,262 in lieu of taxes under the Lanham Act. It was called to my attention this morning that payments in lieu of taxes by the FPH to the Town of Kittery, received in 1943, which is credited for the year 1944, as found on page 19 of the town report of Kittery, amounted to \$34,942.92. 38% of this amount was allocated to common schools, which amounted to \$13,261.73, which is the amount that you deducted under Item 14 of your minimum school program.

I note from the work-sheet on the Equalization Fund subsidy for December, 1944, that the total cost of the minimum school program was \$56,592. Under deductions you have proceeds of 13-mill tax, State valuation, \$34,056. Under Item 11, deduction, State school allocation, \$9,886, and subsidies for special courses, \$800. Under Item 14, Lanham Act funds in lieu of taxes, you have \$13,262, making a total deduction of \$59,004 that the Town of Kittery has received, \$1412 more than the total cost of the minimum program.

Therefore I am revoking my opinion of February 26th, based on total receipts of \$13,262, and ruling that the Town of Kittery is not entitled to receive any funds from the Department of Education under the Equalization Law.

RALPH W. FARRIS
Attorney General

March 6, 1945

To Earle R. Hayes, Secretary, Employees' Retirement System

I have your memo of March 6th relating to the University of Maine, in case L. D. 70 and L. D. 545, now pending before the legislature, become law.

Your questions were based upon the assumption that L. D. 70 will become law, thereby establishing the University of Maine as "an instrumentality and agency of the state," and upon the further assumption that L. D. 545 will be enacted into law, which bill provides that "all off-