

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1945-1946

MAINE STATE
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cers and employees of the University of Maine" shall be considered as employees for the purposes of the State Employees' Retirement System. It is my opinion that, inasmuch as Section 118 of Chapter 37, R. S. 1944, provides, "The University of Maine Fund shall be disbursed by the treasurer of state upon proper order by the trustees of the University of Maine and upon requisition approved by the governor and council," and that Chapter 216, Article I, Section 1, P. L. 1931, provides that the provisions of the administration of the state act shall not be construed to apply to the University of Maine, and that this provision of law is still in effect, having been exempted from the repealing act at the special session of the legislature held in September, 1944, by Senate Paper 524, L. D. 934; and inasmuch as Section 13, subsection 6 provides that budget estimates shall be broken down in such a way as to permit the proper allocation of costs among the general funds of the State, the general highway fund, and such other funds as it may be found practicable by the State budget officer to charge with their proportionate share of the cost of pensions; it would seem that the State budget officer has no authority over the University of Maine special mill fund, as set up in Section 117, Chapter 37, R. S. 1944, and cannot legally transfer money from that fund to the Employees' Retirement Fund to cover the State's liability for the employees of the University of Maine in case they should become members of the system under the provisions of L. D. 545, unless Section 13, subsection 6, Chapter 60, R. S. 1944 and Section 118 of Chapter 37, R. S. 1944, were amended by the legislature, and the last paragraph of Section 1, Chapter 216, P. L. 1931, so far as it relates to the University of Maine, were repealed.

It is also my opinion that in case L. D. 545 becomes law and the employees of the University of Maine become members of the Retirement System, it would be proper to allocate the cost of the pensions among the general funds of the State, as it would not be practicable under the present provisions of the statutes above cited for the State budget officer to charge the University of Maine Fund with the carrying out of the provisions of L. D. 545.

RALPH W. FARRIS
Attorney General

March 7, 1945

To Brig.-Gen. George M. Carter, Adjutant General

I received your memo of March 2nd relating to the settlement of recent loss in connection with the fire at the Stevens Avenue Armory in Portland, and note that you are faced with the necessity of working out an adjustment of insurance with certain representatives of the insurance companies.

Under Sections 24 and 25 of Chapter 12, R. S. 1944, the Commission does (a) have full charge of all military property owned by the State of Maine; (b) have the authority to conclude with the proper authority of the insurance companies a settlement in connection with losses of State armories, as the military law has been amended so that the State Military

Defense Commission takes the place of the old Armory Commission; (c) any moneys received in settlement of insurance as a result of said losses should be accepted by the Commission and placed to their credit and used for the replacement of the destroyed property at such time and under such conditions as the Commission may see fit to prescribe.

RALPH W. FARRIS
Attorney General

March 23, 1945

To W. H. Deering, Treasurer, Augusta State Hospital

Chapter 12, Section 15, of the Revised Statutes of 1944 provides:

“The governor with the advice and consent of the council is hereby authorized to accept in the name of the state any and all gifts, bequests, grants, or conveyances to the State of Maine.”

With respect to the gift for the benefit of the State Hospital about which you talked to me the other day, the above section is the authority for accepting it, and hence a council order should be prepared and submitted, authorizing the acceptance of the gift, with a statement attached to it describing the person making it, in whose memory the same was made, and the use to be made of the fund.

ABRAHAM BREITBARD
Deputy Attorney General

March 27, 1945

To Homer E. Robinson, Bank Commissioner

I received your letter of March 15th, but owing to my absence from town have been unable to give same my attention.

First, you state that Chapter 55, Section 3, provides:

“No person, copartnership, association, or corporation shall do a banking business unless duly authorized under the laws of this state or the United States, except as provided by section 4.”

Section 4 provides:

“A corporation, desiring to encourage thrift among its employees by receiving deposits subject to interest at a specified rate, may apply to the bank commissioner for a license to receive such deposits and shall, at the same time, file with the said commissioner a complete statement of its financial condition,” etc.

Your first question is: “Can a corporation organized under the laws of another State, with due regard to the provisions of Chapter 49, R. S. Sections 123 to 131, relating to foreign corporations, be authorized to engage in the business of making small loans in this State under the provisions of Chapter 55, Sections 190 to 207?”

My answer to that question is, No; because a foreign corporation cannot do anything that a domestic corporation cannot do, under the statute.