

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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- (a) that such agent has seen such person commit the crime, or violation; that is, that such crime or violation has been committed in his presence;
 - (b) that such agent take said person before a trial justice or judge of a municipal court forthwith, if said court is in session or at the opening of said court the next day and procure such warrant.
- 2) To arrest with a warrant any person who has committed any offense against the laws of this State or has violated any rule or regulation within said parks or memorials, although not committed in the presence of the agent.
- 3) No dwelling house is to be searched for the purpose of arresting the offender without a warrant, and then such process may be executed in the day time only.

ABRAHAM BREITBARD
Deputy Attorney General

April 30, 1945

To David H. Stevens, State Tax Assessor
Re: The Ministerial Fund of the Town of Salem

Your memo of April 24th relating to the above matter has been received. It is my opinion that interest on this trust fund should be applied to the support of schools and transferred to the Unorganized Township Fund. I find no statutory authority for paying the income of the ministerial fund over to religious societies. From the information which I have before me, it seems to me that the title in this case vests in the inhabitants of the town; and since the town is deorganized, the State is trustee of the fund for the use of the town and, as I said before, the income thereof should go towards the support of the schools.

RALPH W. FARRIS
Attorney General

April 30, 1945

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

I have your memo of April 26th asking in behalf of the Board of Trustees of the Employees' Retirement System my opinion on the following question:

"Under the terms of Chapter 98 of the Public Laws of 1945 as recently enacted by the 92nd Legislature, does the University of Maine thereby become a 'department' within the meaning of Subsection III of Section 1 of Chapter 60, R. S.?"

My answer to that question is in the negative, for the reason that the legislature declared the University of Maine to be an 'agency' of the State for the purpose for which it was established and for which it has been managed and maintained under the provisions of Chapter 532 of the

Private and Special Laws of 1865 and supplementary legislation thereto Chapter 532, P. & S. L. 1865, establishes the State College of Agriculture and the Mechanic Arts as a body politic and corporate, and the name was changed to the University of Maine under the provisions of Chapter 551, of the Private and Special Laws of 1897, preserving all the rights, powers and privileges, property, duties and responsibilities of the trustees of the State College of Agriculture; and the said corporate existence of the University of Maine was in full force and effect when the provisions of Chapter 60 of the Revised Statutes of 1944 were enacted by the legislature of 1941. The enactment of Section 111-A of Chapter 37 of the Revised Statutes was for the purpose of removing the uncertainty which had existed for several years as to whether or not the University of Maine was an agency of the State, so that the Federal Government, in providing funds for various purposes, would not raise the question as to federal funds to which the University might be entitled by various Acts of Congress and various executive orders of the Federal Government. Hence, the University is not a department within the meaning of Subsection III of Section 1 of Chapter 60 of the Revised Statutes.

RALPH W. FARRIS
Attorney General

May 1, 1945

To Col. L. M. Hart, Assistant Adjutant General
Re: Officials and Employees of the State on Pay While in Military
Training

I have your memo of May 1st stating that the State of Maine is planning three week-end manoeuvres and two seven-day encampments for the Maine State Guard and that these tours on duty will be on a pay basis; and you ask a ruling on the following question:

“Are officials and other employees of the State of Maine, who are members of the Maine State Guard—which is taking place of the the National Guard while the latter is in federal service—entitled to their regular pay as state officials or employees while on military duty and in addition pay of their rank or grade as members of the State Guard ordered by the Governor to perform active military duty?”

My answer to the question is in the affirmative without reference to any ruling made by any of my predecessors in the office of Attorney General, as the second paragraph of Section 80 of Chapter 12, R. S. 1944, which you cite in your memo and which is part of the amendment of the military law made by Chapter 257 of the Public Laws of 1943, amply clarified the situation in this regard.

RALPH W. FARRIS
Attorney General