

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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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