

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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termination of World War II, whichever is the later date. Permits issued prior to the termination of World War II will remain effective until two years after the official declaration. Those issued after the official declaration, to a serviceman discharged subsequent to that time, will remain in force for two years after the date of discharge.

2) Residents of Maine in the armed forces who are on furlough or who are stationed in Maine may have from the town clerk of the town in which they reside, or, if they reside in an unorganized place, then from the clerk of the nearest town, a furlough permit. These are to expire at the end of the year in which they were issued, or earlier, if the war is officially declared terminated by the *United States Government*.

ABRAHAM BREITBARD
Deputy Attorney General

July 26, 1945

To Fred M. Berry, State Auditor

I have your memo of July 25th, enclosing a copy of a letter received from, Register of Probate, inquiring as to the effect of Chapter 359, P. L. 1945, relating to charging a filing fee on petitions in the probate court; and you ask my opinion concerning this question.

I will say that it is my opinion that the legislature intended that the filing fee should be for the original petition to probate a will and for the original petition to administer an estate. The statute in question reads as follows:

“The register of probate shall receive a filing fee of \$3 for each petition to probate a will and for each petition for the administration of an estate, when the estimate value of such estate, as stated in the petition, is \$1,000 or over.”

Of course, there would be only one petition for the probate of a will and subsequent petitions would be supplementary, in the case of d. b. n., c. t. a. In my opinion the same would apply to petition for administration.

RALPH W. FARRIS
Attorney General

July 26, 1945

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

I have your memo of July 20th inquiring whether or not the provisions of Section 15 of Chapter 60 of the Revised Statutes give the local participating districts any and all of the benefits and privileges provided for in said Chapter 60.

It is my opinion that the employees of any county, city, town or other local participating districts have all the benefits and privileges provided

for State employees, in so far as it is possible under Chapter 60 to provide same for them. However, you will note that under subsection VI of Section 15, the statute reads as follows:

“Notwithstanding anything to the contrary, the retirement system shall not be liable for the payment of any pensions or other benefits on account of the employees or pensioners of any county, city, or town participating under the provisions of this section for which reserves have not been previously created from funds contributed by such county, city, or town, or its employees for such benefits.”

It would seem from the reading of this subsection that the legislature did not intend to create a reserve for these local participating districts by State appropriation.

RALPH W. FARRIS
Attorney General

August 2, 1945

To J. Elliott Hale, Acting Director, Bureau of Sanitary Engineering

In reply to your memo of August 1st: I believe that a public sewer, as that term is used in Section 2 of the State Plumbing Code, refers to a sewer constructed and maintained by a municipality for the benefit of the general public, and the cost of construction of which, and the maintenance and repairs, are assessed to the abutting owners proportionately, and in which they all have a right to enter upon payment of the proportionate assessment against that particular owner.

It would thus not apply to a private or common sewer (Chapter 84, Section 153, R. S. 1944), which can be entered only by the consent of the owner thereof.

I think, however, that this section may be amended so as to require the owner abutting a private or common sewer to connect therewith, whenever the owner of the sewer is willing to permit entry therein. I have the impression that owners of common sewers are willing to have others join, upon payment of the proportionate share of the expense.

ABRAHAM BREITBARD
Deputy Attorney General

August 14, 1945

To E. E. Roderick, Deputy Commissioner of Education

This department acknowledges receipt of your memorandum of August 10th, dealing with Chapter 239 of the Public Laws of 1945, which amends the existing non-contributory pension laws by providing an increase.

The question has been raised whether the increase is applicable to pensions which have been created by legislative resolve for particular indi-