

# 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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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-