

# 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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viduals, although there were at the time of the enactment of the resolve statutes allowing pensions in varying amounts, depending upon the number of years of service, to those teachers who have retired from active service and who shall on application formally made receive from the state during the remainder of the applicant's life an annual pension.

Since the increase by this amendment in 1945 is incorporated in the existing statutes creating the pensions aforesaid, it cannot be applicable to pensions created by special resolves of the legislature in the case of particular individuals, as was the case of Ethel W. Knowlton, which brought about this inquiry.

I understand, however, from your memorandum, that there are approximately eight teachers who are beneficiaries of pensions created by special resolves; and I think that we might work out their problem in a practical manner by asking them, in case they apply for the increase, to submit formal proof of the length of their service while engaged in teaching, and if we find that at the time the resolve was enacted they had put in years of service which would have entitled them to receive under the statute a pension equivalent to the amount granted by the resolve, then I think that we may properly allow them the increase provided by the general statutes, as they would be entitled to relinquish their rights under the resolve and come in under the general statutes.

I am prompted in offering this solution by the fact that there are so few teachers receiving pensions under special resolves and we should not deny to them the increase if at the time of the enactment of the resolve they could have come in under the statute and received the same amount allowed in the resolve.

ABRAHAM BREITBARD  
Deputy Attorney General

August 21, 1945

To Hon. A. K. Gardner, Commissioner of Agriculture

I have your communication of August 20th relating to the provisions of Chapter 125, Section 145-C, entitled "AN ACT Imposing a Tax on Sweet Corn for the Suppression of the European Corn Borer." You ask for an interpretation of the wording of this section, and also ask whether the committee should be appointed at once or at some time prior to September 1, 1946.

This section provides for a tax committee consisting of three members appointed annually in the following manner:

" . . . The commissioner of agriculture shall appoint 1 member from the department of agriculture and 1 member who shall be a grower; the Maine Cannery Association shall appoint the 3rd member. The tax committee is authorized to determine the amount of the tax to be levied and imposed each year after 1945."

This law became effective on July 21st and it is my opinion that the committee should be appointed and get organized for next year. However, this is purely an administrative matter. I agree with you that it would appear logical for the committee to function in 1945, even though the tax for this current year is set up in the act.

RALPH W. FARRIS  
Attorney General

August 24, 1945

To Earle R. Hayes, Secretary, Employees' Retirement System  
Re: Return of Contributions to Beneficiary under Certain Conditions

I have your memo of August 23rd, in which you state that the Board of Trustees of the Retirement System would like my opinion as to whether or not I believe it permissible to return to the beneficiary any contributions that an employee may have made in the event of such employee's death prior to the time he actually received his first check as a retiree.

You give a specific case, that of Mr. Euba C. Pratt, an employee of the Reformatory for Men, who applied for his retirement benefits on April 21st, 1945, and whose retirement was to be effective as of May 21st, thirty days after his application. News came to your department of Mr. Pratt's death prior to the date on which the check would have been mailed out, and the check in this case is being held at the present time in the office of the Controller, pending my ruling. You further state in your memo that Mr. Pratt has some \$370 and odd dollars to his credit in the System, representing the amount of contributions made by him while an employee.

It is my opinion that this amount of money should be refunded to Mr. Pratt's widow, she being his beneficiary, by reason of his death taking place before his retirement became effective, as he had not actually retired until the thirty days required by law had elapsed.

RALPH W. FARRIS  
Attorney General

August 24, 1945

To Harry V. Gilson, Commissioner of Education

I have your memo of August 21st relating to the operation of vocational training for the War Production Workers' Program from July, 1940, to June 30, 1945; and you state that in accordance with disposition procedures of the National Youth Administration since June, 1943, the State has acquired various types of machinery and equipment, most of which will be used in local schools. You further state that in the applications to expend federal funds to make purchases of this equipment for training purposes and in making purchases of NYA equipment, the State Board for Vocational Education was designated as applicant and recipient, and you ask the following questions relating to the same: