

MAINE STATE LEGISLATURE

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October 3, 1945

Hon. John E. Willey, Chairman
Maine Aeronautics Commission
702 Press Herald Building
Portland, Maine

I . . . note that you would like opinions on the following questions:

"1. When the veteran left our service, he acted as a guard, which was then a military requirement. That requirement no longer exists and we no longer need a guard. Must we re-employ the guard?"

Answer. It is my opinion that this was a temporary assignment, and where there is no position to be filled, you are not compelled to re-employ him as a guard.

"2. If, for the good of the service, the position which the veteran held prior to his entry into military service has been eliminated, must we re-employ the veteran and re-establish the position?"

In answer to this question I will say that the statute in this regard provides:

"Whenever any employee regularly employed for a period of at least 6 months by the state or by any department, bureau, commission or office thereof, or by any county, municipality, township or school district within the state, and who has attained permanent status in such employment, shall in time of war, etc."

The underlined clause is the amendment of 1943. Of course, where a position was not permanent, the employee had not attained permanent status. Prior to the 1943 amendment, he would have had to be regularly employed for a period of at least one year to come within the statute relating to employees in military service.

However, if it is possible for your Commission to re-establish a returned veteran in some other position, it would be commendable, though not obligatory. . . .

Ralph W. Farris
Attorney General

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