

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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Chapter 342 of the Laws of 1945 provides for reciprocity and exempts from the provisions of Chapter 19 of the Revised Statutes, the registration of motor vehicles, tractors and trailers owned by a non-resident, provided that the owner of such vehicle has complied with the provisions of the law of the state, district or country of his residence relative to the registration of such vehicle. Like provision is made as to a non-resident operator who has been licensed in accordance with the provisions of law of the state, district or country of his residence.

These provisions apply only to the state, district or country that extends and grants like privileges to motor vehicles owned by residents of this state, who have registered the same in accordance with the laws of this state.

Section 3 of this law defines the term "non-resident" as "any person whose legal residence is in some state, district or country other than Maine . . ."

The residence of a corporation is in the state of its creation, although it may carry on business in another state; and in all states other than the state of its creation it is deemed to be a non-resident. The definition of the term "non-resident" as it appears in this law makes it clear that the law is applicable only to persons whose legal residence is in a state, district or country other than Maine. It cannot apply to a domestic corporation, as its "legal residence" is the State of Maine.

I therefore advise you that domestic corporations must register their motor vehicles in this state, and cannot have the advantage of this law by registering their motor vehicles in a foreign state.

ABRAHAM BREITBARD
Deputy Attorney General

January 16, 1946

To Harry H. Gilson, Commissioner of Education

I have your memo of January 8th stating questions raised by Teachers Retirement Board relating to application of amendment by the last legislature found in Chapter 321 of the Public Laws of 1945, which admits to membership teachers serving certain academies, etc.

"1. Can this amendment be interpreted to mean that all teachers, coming under the provisions of this amendment, may be entitled to retroactive membership if they request it and pay up for back service; or does this law limit such membership to the effective date of the act, July 21, 1945?"

Answer. In my opinion this amendment limits such membership to the effective date of the act.

"2. May a member who is eligible to either pension plan, but not both, transfer from one to the other at will? How many transfers are allowable?"

My answer to #2 is in the negative. A member who is eligible to either pension plan must elect under the provisions of Section 241 of Chapter 37, R. S. 1944, and once a member has elected, he can not change from one to the other at his pleasure.

"3. May a member take up back credit having failed to do this when first becoming eligible to membership in Maine Teachers' Retirement Association? How far back, to effective date of law or to date of first service?"

My answer to #3 is also in the negative. He must claim his credits when he elects to come within the plan, under Sections 221-241, inclusive, of Chapter 37, R. S. 1944.

In Question 4 there is an error in the citation and I have inserted Chapter 321, P. L. 1945, instead of R. S. 1944, Section 241 (of Chapter 37). I now recite Question 4 as amended:

"4. Does the new law, P. L. 1945, Chapter 321, pertaining to teachers in academies give teachers the right to the provisions of eligibility under the old and the new retirement law? Either or both?"

My answer to #4 is: They must elect under the provisions of Section 241 of Chapter 37, R. S. 1944.

"5. May teachers, by virtue of having taught prior to July 1, 1924, claim prior-service credit and pay back for as many years as they desire not to exceed the total number of years they have actually taught."

I cannot answer #5, as it seems to be an administrative matter and before giving you any written answer, I should know what the policy of your department has been since the provisions of Sections 221 to 241 of Chapter 37, R. S. 1944, have been effective, where the teachers who were under the old plan elected to come under the new plan when this law was enacted in 1941. That is, did your department allow prior service credit under the old plan for as many years as they desired, not to exceed the total number of years they had actually taught?

RALPH W. FARRIS
Attorney General

January 22, 1946

To W. E. Bradbury, Deputy Commissioner, Inland Fisheries and Game

The question has arisen whether Section 317 of Chapter 22 (Health and Welfare Laws) of the Revised Statutes of 1944 is still in force or whether it has been repealed by implication by Chapter 374 of the Public Laws of 1945, which relates to Inland Fisheries and Game.