

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1945-1946

MAINE STATE
LIBRARY

tion the fact that some of these employees were laid off through no fault of their own and due to the curtailment of the activities of the department involved.

A familiar and fundamental rule of statutory construction is that where a statute is clear and plain, there is no room for interpretation. Consequently, the statute must be interpreted as it is written. There is no ambiguity in the statute. By its plain terms, prior service credit may be allowed only to those who were re-employed prior to July 1, 1945, and who were formerly employed by the State at any time during the period of three years prior to July 1, 1942. We have no right to enlarge the time or consider the question of whether the cessation of employment by the State was due to no fault of the employee.

I feel, however, as no doubt you and the Board of Trustees feel, that returning veterans should not be deprived of the benefits of the act under consideration because they were prevented from becoming re-employed prior to July 1, 1945. I would suggest, therefore, that at the next session of the legislature an amendment be introduced allowing discharged servicemen who become re-employed to have the advantage of prior service credits.

ABRAHAM BREITBARD
Deputy Attorney General

February 6, 1946

To C. P. Bradford, Superintendent, State Park Commission
Re: Tenure of Office

Receipt is acknowledged of your memorandum of the 5th instant, inquiring about the status of two members of the State Park Commission, whose terms expired on February 4th. These two members also acted as chairman and secretary, respectively, of the Commission. The act creating the Park Commission does not provide that the members thereof, who are appointed by the Governor, shall hold over until their successors are appointed and qualified. Notwithstanding, however, the omission of such a provision, they do, in my opinion, hold over until a successor is appointed and qualifies. You are, therefore, advised that they may continue to act as members of the Commission until they are either re-appointed or succeeded by new members.

ABRAHAM BREITBARD
Deputy Attorney General

February 7, 1946

To Harrison C. Greenleaf, Commissioner of Institutional Service

This is in reply to your memo of February 6th, bringing to my attention the fact that has become eligible for parole . . . by reason of the fact that on writ of error his sentence was reduced to 2½ to 5 years. The original sentence was 4 to 8 years. The reason for the reduction was a defect in the indictment which . . . reduced the crime to simple larceny.