

# 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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to apply to lumber companies operating sawmills on inland waters of the State. This is a matter that the Seabasticook Fish and Game Association might look into, inasmuch as they are particularly concerned with the pollution of Seabasticook Lake.

RALPH W. FARRIS  
Attorney General

December 18, 1946

To A. W. Perkins, Insurance Commissioner  
Re: Retirement Allowance Payable in Month of Death, Employees' Retirement System

. . . The section which you cite, namely Subsection 18 of Section 1 of Chapter 60, speaks for itself, and I do not see how any uncertainty could have arisen with regard to its interpretation. Where a statute is clear, there is no room for interpretation and its meaning is controlled by the language as written.

This section, which defines the meaning of "retirement allowance" as the sum of the annuity and the pension, provides that such allowance shall be payable in equal monthly instalments which shall cease with the last payment prior to death. Thus, it is clear that the payment of the retirement benefits ceases with the last monthly instalment prior to death and there can be no partial instalment paid, based upon an apportionment between the date of the last monthly payment and the date of death.

ABRAHAM BREITBARD  
Deputy Attorney General

December 18, 1946

To H. G. Hawes, Department of Agriculture  
Re: Agricultural Societies

In answer to your inquiry of December 12th, the department advises you as follows:

1. Section 15 of Chapter 27, R. S. 1944, which provides that county and local agricultural societies may take and hold real and personal property the annual income of which shall not exceed \$3000. to be applied to the purposes provided in their charters, is a limitation on the extent of income-producing property that such a society may hold.

2. The above provision has nothing to do with the following section which provides for a stipend to be paid annually to such societies in a sum not in excess of \$3000. This stipend would be payable to such society if it was eligible for such payment under the statute, irrespective of its income from the real and personal property, and such income is not to be taken into consideration in paying such stipend.

3. The limit on the stipend to \$3000 applies to a payment from the fund which is apportioned to the societies, which fund is derived from an appropriation of money not to exceed 2c per inhabitant of the State and from pari-mutuel pools, as provided by Chapter 361, P. L. 1945.