

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1947 - 1948**

From my conversation with you, I understand that you now have an item in your appropriation for the expenses of the Highway Safety Bureau in the State Police Department, and the break-down in the Finance Commissioner's office discloses same. For that reason it is my opinion that if the Appropriation Committee sees fit to budget the State Police an amount for Highway Safety within your department, you could use said funds in cooperation with a Highway Safety Coördinating Committee appointed either by the Governor or by the State Highway Commission.

RALPH W. FARRIS  
Attorney General

February 17, 1947

To Earle R. Hayes, Director of Personnel  
Re: Military Leave Law

I have your memo of February 5th relating to the Military Leave Law, especially Section 23 of Chapter 59, R. S. 1944, which provides that any employee regularly employed for at least six months by the State, county or municipality within the State, who has attained permanent status and who enters the military service shall not be deemed to have thereby resigned or abandoned his employment with the State.

The original enactment of this section was, as you state, by Chapter 314 of the Public Laws of 1939, which provided one year; this was reduced to six months by the provisions of Chapter 300, P. L. 1943, which is now the present statute above quoted.

You state that a former Attorney General ruled that at the time that Chapter 300, P. L. 1943, was enacted, the change from one year to six months' employment by the State could not be considered as retroactive. You further state that you did not agree with that opinion and do not now. You further state in your memo that it is your belief that any employee who has six months or more of service, regardless of the time during the war that he left the State service to enter the armed forces, should be entitled to military leave, and you would appreciate my advice at the present time as you have two cases pending.

No law is retroactive unless the intention of the legislature making it so is express in the act itself. Any State employee entering the armed services prior to July 9, 1943, the effective date of Chapter 300, P. L. 1943, would be under the 1939 Act and would require employment by the State for a period of at least one year. After July 9, 1943, any State employee entering the military service would be under the provisions of the 1943 Act, which requires regular employment by the State for a period of only six months.

"Retroactive," as applied to a statute, means a statute which embraces a new or additional burden, duty, obligation or liability as to past transactions. This statute did not impose any additional burden on the State employees. On the contrary it reduced the burden of requiring one year's employment with the State to six months in order to attain permanent status as a State employee.

RALPH W. FARRIS  
Attorney General