MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

June 2, 1947

To A. K. Gardner, Commissioner of Agriculture
Re: Potato Tax

I received your memo of May 26th, enclosing a clipping taken from the May 8th issue of the VICTORIAN, published in Perth, N. B. You state that you are not interested in the article, except that it has steamed up some of the anti-potato tax group in Aroostook County and they are beginning to claim that our potato tax is unconstitutional.

All laws are constitutional until decided unconstitutional by courts of competent jurisdiction, upon a case properly brought before them.

In my opinion our potato tax law is constitutional. The Province of New Brunswick probably has a different tax set-up than we have in Maine. This tax is on the industry and not on all taxpayers of the State. There is nothing in the Constitution of Maine that prohibits any group from assessing a tax on the product that the members of that industry grow; and the only manner in which the question of constitutionality could be brought up is before the courts.

RALPH W. FARRIS
Attorney General

June 2, 1947

To Col. Laurence C. Upton, Chief, Maine State Police
Re: State Police Pay Schedule

I have your memo of May 26th, relating to the provisions of Chapter 385, P. L. 1947, which becomes effective on August 13th, whereas the emergency legislation providing for a temporary increase of $7.20 a week ends on August 10th.

It is my opinion that when Chapter 385, P. L. 1947, was enacted, it was the intent of the legislature that the date of the adjournment would be by May 10th. That was my understanding of the situation at that time. The matter was called to my attention that it was the intent of the legislature that the temporary pay increase remain in force until the new schedule became effective on August 13th, which is 90 days following the adjournment of the legislature.

It is my opinion that the Controller should carry on the increase of $7.20 until the provisions of Chapter 385, P. L. 1947, become effective on August 13th, and it would be legal for you to continue the $7.20 without changing to a new schedule for a period of two days.

RALPH W. FARRIS
Attorney General

June 3, 1947

To Earle R. Hayes, Secretary, Employees' Retirement System

I received your memo of June 2nd, relating to the provisions of Section 1 of Chapter 384 of the Public Laws of 1947, containing the definitions of