

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

It is my opinion that the standards of quality are not fixed by law except in Section 168, subsection 6, paragraph F of Chapter 27, R. S. 1944, where the law of Maine reads as follows, relating to adulterated or misbranded goods:

“If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.”

After looking into the evidence before you, it is my opinion that this company has been violating Section 168 of Chapter 27, R. S. 1944, relating to the packing of diseased fish without properly branding said cans with the amount of diseased or putrid matter contained in said pack. . .

RALPH W. FARRIS
Attorney General

June 30, 1947

To Earle R. Hayes, Secretary, Employees' Retirement System
Re: Effective Date of Chapter 384, P. L. 1947

I received your memo dated June 27th relating to the above entitled subject matter, in which you call my attention to my memo to Fred W. Hollingdale, Deputy Treasurer, dated June 20, 1947, which is in effect the same as I talked with you some time during the session of the legislature. The law cannot possibly be in effect under the Constitution until 90 days after adjournment of the legislature, notwithstanding anything in the bill saying that it takes effect before the constitutional period concerning the effective date of laws passed by the legislature.

In my memo to Mr. Hollingdale I told him that the law was not effective until August 13, 1947, but it was the intent of the legislature to make the provisions thereof retroactive to July 1, 1947. So, getting down to the real point involved in your memo, you ask:

“May those employees who are approved for retirement on or after August 13, 1947, have their retirement benefits start as of July 1, 1947 (or any other date between July 1, 1947 and August 13, 1947) on the basis of the provisions of the new law, or must retirement benefits be figured on the basis of provisions of the existing statute up until August 13, 1947?”

Answer. Their retirement benefits start as of July 1st, or at any other date between July 1st and August 13, 1947, on the basis of the new law. In other words, the legislature intended that the provisions should be retroactive. That is what I told Mr. Hollingdale in my memo. It is probable that Question 2 of the memo was not clear and so the answer did not bring out the point that you ask in your memo of the 27th. In other words, it was the intent of the legislature that employees retiring on July 1, 1947, should come under the provisions of the new law after August 13th, the effective date of the law; but they cannot retire until the act takes effect, to get the benefit of the new law.

RALPH W. FARRIS
Attorney General