STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

wage for eligibility to unemployment compensation is raised from $200 to $300. You have inquired as to the Commission's duty with respect to claimants whose wages for insured work during the base period were in excess of $200 and less than $300, and whose eligibility for unemployment compensation was determined between April 1, 1947 and August 13, 1947.

In order to ascertain the intent of the legislature in enacting Chapter 340, P. L. 1947, it is necessary to study all of the pertinent sections of the statute, of which the amendment becomes a part; that is to say, all of the sections of the unemployment compensation law. This study has been made, and I have arrived at the conclusion that claimants whose potential eligibility has been determined in accordance with subsection (b) of section 6 of the unemployment compensation law within the benefit year and prior to August 13, 1947, should continue to be paid unemployment compensation at the potential rate determined, and within the maximum amount available under such determination so long as they remain continuously unemployed and continue to report weekly, in accordance with the provisions of subsection (b) of section 4 of the unemployment compensation law. Should the unemployment status of any of such individuals be interrupted by employment or by failure to continuously report, in accordance with subsection (b) of section 4, such persons who, subsequent to August 13, 1947, again report and file an additional claim or claims for unemployment compensation, should have their potential eligibility redetermined under the provisions of Chapter 340, P. L. 1947.

All claimants filing on or after August 13, 1947, should have their eligibility for unemployment compensation potentially determined in accordance with the revised schedule contained in Chapter 340, P. L. 1947.

RALPH W. FARRIS
Attorney General

July 2, 1947

To Earle R. Hayes, Secretary, Employees' Retirement System
Re: Expense Allowance to Highway Engineers Assigned to Field Duty

I have your memo of July 1st, stating that the Board of Trustees have asked you to secure a ruling from me on the following question:

"They are advised that a certain stated amount of money is paid by the Highway Commission to its engineers in addition to their weekly salary at such times as they are away in the field working on assignments, on the theory that it is a partial reimbursement for expenses. The Board of Trustees believe that this amount of money should be considered as maintenance rather than expenses, for purposes of retirement deductions. Do you agree with this position?"

I have checked with the system in vogue in the State Highway Department relating to paying additional sums to Highway engineers, and I find that this is not a continuous practice but is done only in cases where an engineer is assigned to a particular job in a particular field for a short period. It is not a regular wage proposition, but lasts only so long as he is assigned to that position. Engineers do not receive additional sums while on duty in

Augusta or on many jobs that are just temporary, and the Board of Trustees would have to have a full-time bookkeeper to compute the deductions and there would have to be reports on every field engineer who went out when he got $7 a week while on a certain job, and another when he returned to the office at Augusta or went on some other job where there were no expenses allowed in addition to his salary.

For the reason that this is only a temporary allowance to take the place of an expense account, I am ruling that this amount of money should be considered as expenses rather than maintenance, and a part of his salary, and that it would not be subject to retirement deductions.

RALPH W. FARRIS
Attorney General

July 8, 1947

To Stanton S. Weed, Director, Division of Motor Vehicles

Your memo of June 16, 1947, relative to Chapter 348, P. L. 1947, which takes effect on August 13th next, has been received.

This inquiry concerns the limitation of § 3 of said act, which provides that "no trailer attached to a motor vehicle shall exceed in length 26 feet over all including all structural parts thereof, permanent or temporary; provided, however, that the load on any motor vehicle, including trucks, combination of tractor and semi-trailer, passenger buses and passenger cars, and the load on any trailer, may extend not exceeding 1 foot 6 inches beyond the rear of the maximum permissible structural length of such motor vehicle or tractor exlcusive of tailboard."

Specifically the inquirer asks: "Does the 26 feet over all include a tailboard or could a tailboard of four or five feet be used in addition to the 26 feet, provided, of course, that the complete length of the tractor and semi-trailer does not exceed 45 feet? If the tailboard is included in the 26 foot maximum, does the permissible load extension of one foot six inches apply to the tailboard? If the tailboard may extend beyond the 26 foot maximum, is it also permissible to have a one foot 6 inch extension on the rear of the tailboard, providing it is within the 45 foot limitation?"

I interpret this provision to mean that no trailer may exceed 26 feet in length including the tailboard when it is down. The load may extend 1 foot 6 inches beyond the tailboard.

The limitation in the preceding part of this section, which provides that "no motor vehicle, including trucks, combination of tractor and semi-trailer, passenger buses and passenger cars shall exceed in length 45 feet over all including all structural parts thereof, permanent or temporary," would not authorize the use of a trailer attached to a motor vehicle which would be over 26 feet in length, as above defined, even though the combination would not be over 45 feet.

I return herewith the letter you enclosed.

ABRAHAM BREITBARD
Deputy Attorney General