

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

Section 58 of Chapter 33, subsection V, defines who shall be eligible for a resident license. This section is as follows:

“Any citizen of the United States shall be eligible for any resident license required under the provisions of this chapter, providing such person is domiciled in Maine with the intention to reside here, and who has resided in this state during the 3 months next prior to the date an application is filed for any license under the provisions of this chapter.”

Merely having a temporary residence here is not enough. The applicant must be domiciled with the intention of permanency of residence, although of uncertain duration. There is no distinction between the domicile under this chapter and domicile to qualify to register as a voter in the State except that the period which must elapse under this chapter is three months.

In view of these facts and the applicable provisions of the act, the clerk properly refused to consider the applicant as a resident of the State eligible for resident licenses.

I return herewith the file which you submitted.

ABRAHAM BREITBARD
Deputy Attorney General

July 22, 1947

To Fred W. Rowell, Director, Division of Veterans' Affairs

Receipt is acknowledged of your memo of June 24th, asking for an interpretation of Chapters 370 and 386, Public Laws of 1947.

Your first question deals with Chapter 370, section 3, which amends section 302 of Chapter 22, R. S. At the same session, by Chapter 386, P. L. 1947, setting up the Division of Veterans' Affairs, the legislature specifically provided for the repeal of section 302 of Chapter 22, Revised Statutes; but whatever may be the effect of the inconsistent action of the legislature, the policy of the legislature, nevertheless, is very plain that they intended to put a statutory limit on the amount of aid to dependent children of veterans, as clearly indicated by the amendment contained in Chapter 370, P. L. 1947. I am of the opinion, therefore, that in determining the amount of aid to be granted to dependent children the limit prescribed by this amendment will have to be followed by you in the administration of Chapter 386, P. L. 1947, which provides that:

“In determining the amount of aid the division shall use the same budgetary standards as are being used by the department of health and welfare.”

The budgetary standards in effect on August 13, 1947, in the Department of Health and Welfare contain limitations on the amount of aid. I believe, therefore, that these limitations must be read into section 13. Consequently, in determining the amount of aid to be allowed to the dependent parents of a veteran, or a dependent wife, consideration must be given to the limitations found in the various provisions dealing with the grant of aid in the Department of Health and Welfare.

You also inquire whether these grants shall be paid monthly or semi-monthly. The policy as expressed at the last session of the legislature, was that grants shall be paid semi-monthly. I believe that we should follow this policy although there is no express provision for semi-monthly payments in Chapter 386, P. L. 1947. I also believe there should be uniformity as to time of payments in both departments, consequently semi-monthly payments should be adopted.

ABRAHAM BREITBARD
Deputy Attorney General

July 25, 1947

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

I have your memo of July 18th, asking me if I agree with your interpretation of the provisions of Section 8 of Chapter 60, as amended, which is as follows:

“When any pensioner is restored to service, (reemployed by the State) his Retirement benefits need not necessarily be suspended unless the amount of compensation which he is paid upon such reemployment, plus his Retirement benefits which he is receiving at the time, amount to or exceed the average amount of final compensation which said pensioner was receiving at the time he retired.”

After reading the amended Section 8 of Chapter 60, which is now Chapter 384, P. L. 1947, I agree with your interpretation as stated in your memo of July 18th.

RALPH W. FARRIS
Attorney General

July 28, 1947

To Col. Laurence C. Upton, Chief, Maine State Police
Re: AN ACT Preventing Drinking in Public Places, Chapter 363, P. L. 1947

I received your memo of July 21st, stating that the Maine State Sheriffs' Association and the State Police are preparing material for distribution to your various law enforcement agencies, regarding the above captioned law, which becomes effective August 13, 1947. You further state that there appears to be some confusion as to what constitutes a “public place” as set forth in Section 2 of the act, and you ask, “Under the terms of this law, would a hotel diningroom, or lobby, a restaurant, an outdoor eating place such as a lobster pound and public bathing beaches be considered public places?”

Since the date of this memo I have had a conference with you in my office relating to this matter and we found that the new draft of this bill, Legislative Document 1391, contained the words in subsection II, “any building, conveyance,” but that these were stricken out after the committee on temperance reported this bill, and the following words substituted therefor, “any common carrier.” It seems to us that the action of the legislature in deliberately striking out “any building,” removes a hotel diningroom, lobby,