

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1947 - 1948**

December 16, 1947

To Harland A. Ladd, Commissioner of Education  
Re: The State's Contribution to Maine Teachers' Retirement Association

Referring to your memo of October 30th relating to the provisions of Sections 221-224, Chapter 37, R. S. 1944, establishing the Maine Teachers' Retirement Association:

You state that a question has arisen as to the interpretation of Section 227, relating to the accounting policy when reporting in September contributions made by the teachers for a given year, to show the total withholding from teachers' salaries. Paragraph 3, Section 227, Chapter 37, R. S., provides as follows:

"During the months of August or September of each year, the retirement board shall notify the commissioner of the exact amount paid in between July 1st and June 30th, preceding, by the members of the teachers' retirement association; . . ."

I feel that the law is quite clear in this regard.

You refer to State Auditor Berry's conclusions that the law requires the State to match only those funds actually paid in between July 1st and June 30th. That is my interpretation of the statute as it reads. Your accounting should be based, according to paragraph 3, on the amount paid during the school year but not on what has been paid in during the school year but has not been reported by the Retirement Board.

RALPH W. FARRIS  
Attorney General

December 16, 1947

To David B. Soule, Commissioner of Insurance

Referring to your memo of October 28th, on the interpretation of the provisions of Chapter 88, Section 53, R. S., as amended:

First, you ask me whether or not a carnival which comes into this State to play only at a Maine State Fair and then to return to its State of domicile is subject to a license in accordance with the provisions of the statute.

In answer to your question I will say that it would not be considered a traveling amusement, as it does not travel from place to place in Maine.

Your second question is whether a vaudeville show or any theatrical act which exhibits at a theatre or other public auditorium is to be classed as a traveling amusement show.

My answer to that question is in the negative. A theatrical show does not come within the meaning and purport of this statute.

RALPH W. FARRIS  
Attorney General