

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

March 4, 1948

To U. S. Immigration and Naturalization Service

This department acknowledges receipt of your letter concerning the status of a child born in England of an English mother who subsequently married in this State an American citizen who acknowledged that he was the father of the child and who, at the time of acknowledgment, was in the service of the U. S. Army, stationed in England. Your inquiry is whether, under our statutes, the subsequent marriage in this State and the fact that previously thereto the child's mother and father signed some documents in England, which you say were a birth record and an affidavit before a notary, would have the effect of legitimating the child.

Our statute does not legitimate the child, although the parties subsequently intermarry. "Only one objective is in the statute—heirship of intestate estates to and from illegitimates." *Crowell's Estate*, 124 Maine 71, 73. The right of inheritance only is dealt with by our statute.

We have no knowledge of the effect of the signing of the various documents before stated by the father and mother, in England. If the effect was to legitimate the child in England, it would have no such effect here. We find that while usually the status created in one country is recognized in every other, an essential element is that the father be domiciled in the country where the acts of legitimation take place. Since the father of this child was not domiciled in England, his acts in England cannot have the effect of legitimating the child here. *Irving vs. Ford*, 183 Mass. 448.

ABRAHAM BREITBARD
Deputy Attorney General

March 4, 1948

To Hon. Harold I. Goss, Secretary of State
Re: Northeast Airlines, Inc.

I have read the letter of Mr. R. H. Herrnstein, Assistant Treasurer of Northeast Airlines, Inc., to you, relative to Northeast Airlines, Inc., qualifying in this State as a foreign corporation. The question has arisen whether this corporation is a "public service company" within the provisions of Section 123 of Chapter 49, which excepts certain corporations from the operation of said section. You will notice that the corporations enumerated are banks, surety and safe deposit companies, insurance companies "or public service company." All of the former are corporations that are organized under some special act of the legislature or special provisions of the law relating to the organization of companies of that type.

In my opinion a public service company excluded from this provision would be a public utility organized by some special act of the legislature or by some special provision of law for the organization of a utility.

The documents submitted, when this company registered in a previous year, show that the corporation was organized under a general law with purposes which permit it to operate in enterprises that are purely private and not public. The fact that it carried passengers for hire, freight, and mail under contract would not be the criterion; but rather whether it was organized under a law which created it as a public utility.

The corporation, in my opinion, should therefore comply with the law, if it is doing business in this State, and appoint a resident of the State as its true and lawful attorney, etc. . . .

ABRAHAM BREITBARD
Deputy Attorney General

March 9, 1948

To Earle R. Hayes, Secretary, Employees' Retirement System
Re: Portland Public Library

I have your memo . . . requesting me to give you an opinion as to whether or not the Portland Public Library may be considered in the status of a quasi-municipal corporation for the purpose of participation in the State Employees' Retirement System.

It is my opinion that the Portland Public Library is not a quasi-municipal corporation under the provisions of the State Employees' Retirement System. The employees are on the payroll of a private corporation which is not performing a municipal function in a sense that would qualify it as a quasi-municipal corporation under the provisions of Section 16 of Chapter 384, P. L. 1947.

RALPH W. FARRIS
Attorney General

March 15, 1948

To Ernest H. Johnson, State Tax Assessor
Re: R. S., Chapter 81, Section 6, Subsection X

Your memo of January 29, 1948, seeks an interpretation of Chapter 29 of the Public Laws of 1947, which amended R. S. of 1944, Chapter 81, Section 6, subsection X. Your inquiry concerns the veterans who would be eligible to an exemption of their estates to the value of \$3500 because of the provisions which allow such exemption to a veteran “. . . who served in the armed forces of the United States during any federally recognized war period and who was honorably discharged or honorably separated from such service and retired to the Reserve, and who has reached the age of 62 years or is receiving a pension, retirement pay, or compensation from the United States Government for total disability. . . .”

Specifically, your inquiry relates only to veterans under 62 years of age who may be eligible to this exemption.

Prior to the amendment of the statute the exemption was confined to veterans under 62 years of age “. . . receiving a pension or compensation from the United States Veterans Administration for total disability.” In your memo you say:

“It is our understanding that this part of this paragraph has for sometime dealt with veterans benefits arising as a result of the veteran receiving Federal Benefits because of his being a veteran; that pensions are also paid by the U. S. Government to civil service employees who are not able to do their