

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1947 - 1948**

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

work as a result of 'total disability', which pension is one of the features of the payroll deduction towards retirement; and that a veteran might be eligible for compensation for 'total disability' from the 'U. S. Veterans Administration' but for the fact that his outside income, as from a civil service pension which he elects, is greater than a certain amount.

"Question: (1) Are veterans under 62 years of age, who satisfy the general requirements of this statute, eligible for property tax exemption to the amount of \$3500, if their 'compensation from the U. S. Government for total disability' is derived exclusively from their Civil Service Pension contract and not from the benefits of service in the armed forces during certain war periods?"

The purpose of the amendment in the respects above indicated was to allow the exemption to those persons who served in the various branches of the armed forces, namely, the Army, Navy and Coast Guard, who are receiving pensions, retirement pay or compensation for total disability from those service branches. As it stood prior to the amendment, it was limited to veterans receiving pensions or compensation for total disability from the U. S. Veterans Administration. It was brought out before the committee on taxation before which the hearing was had on the amendment, that the compensation for total disability to commissioned officers was not paid by the Veterans Administration, but rather by the War and Navy Departments, and consequently they were denied this exemption, since the statute was confined to veterans receiving pensions or compensation from the Veterans Administration. It was to correct this situation that this amendment was proposed and later enacted. By the use of the words, "United States Government," the intent was to include within its provisions all veterans receiving pensions, retirement pay or compensation for total disability from any of the service branches of the land and naval forces, which since 1941 include the Coast Guard, and not from the government under a civil service act.

ABRAHAM BREITBARD  
Deputy Attorney General

March 17, 1948

To Francis H. Sleeper, M. D., Superintendent, Augusta State Hospital

I have before me the letter which you submitted to this office . . . and also the form of the bond whereby the surety agrees to comply with certain conditions therein, particularly relating to the discharge of any indebtedness incurred as a result of hospitalization of the inmate while under release and to indemnify any damage caused by the destruction of property by the inmate.

I can find no provision in the statutes which authorizes you to take a bond or a cash deposit as a condition for the release of an inmate of the hospital. You may in your discretion permit an inmate to leave an institution temporarily "in charge of his guardian, relatives, friends, or by himself for a period not exceeding 6 months, and may receive him when returned by any such guardian, relatives, friends, or on his application within such period. . . ." and "on receipt of formal application in writing before the date of expiration of such leave of absence grant an extension of time for another 6 months."