

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1947 - 1948**

The rule in that case is governed by Section 4 of Chapter 532 of the Private and Special Laws of 1865, creating the University, which provides:

“No person shall be a trustee who is not an inhabitant of this State, nor anyone who has reached the age of 70 years.”

In such a case the department ruled that the office becomes vacant when the trustee reaches seventy years of age, by reason of the provisions of the section of the charter quoted.

ABRAHAM BREITBARD  
Deputy Attorney General

April 20, 1948

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

In your memo of April 6th, which reached this office on the 8th, you requested an opinion as to whether or not the provisions of Section 9 of Chapter 384, P. L. 1947, namely, “otherwise to his estate,” may be interpreted to mean that you can pay such funds of a deceased member to the duly appointed administrator or personal representative, or whether checks should be drawn to “the estate.”

Checks should be drawn to the administrator or executor, whichever the case may be. If there is no administrator or executor qualified and there are heirs, the check could be made payable to the heirs, if they would all sign a release and file a bond to hold the State harmless from any liability for payment of such funds to the legal heirs of the deceased.

Checks made payable to the estate of any person cannot be cashed unless signed by a duly appointed representative of the deceased.

RALPH W. FARRIS  
Attorney General

April 26, 1948

To H. A. Ladd, Commissioner of Education

I have your memo of April 12th about which I conferred with Mr. Roderick on April 23rd and which concerns the arrangements for raising funds to construct a new school gymnasium in Island Falls. You state that a woman has promised to raise \$10,000 from individual givers if the town will match the sum. As you understand it, the town has not raised its share, but there seems to be a general agreement among the voters that they should fulfill their part, if this lady can produce \$10,000 as promised.

You state further that since the town meeting she has purchased a new Plymouth car and presently plans to sell tickets and give the car to a lucky winner. You advised them to go slowly on this matter, as you feel that the proposal is outside the pale of law, and you agreed to confer with my office in regard to this matter. In this connection you asked the following questions:

“(1) Is action of this sort permissible?”

*Answer.* No, it is not permissible.