

MAINE STATE LEGISLATURE

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STATE OF MAINE

R E P O R T

OF THE

ATTORNEY GENERAL

for the calendar years

1949 - 1950

June 8, 1949

To Ernest H. Johnson, State Tax Assessor
Re: Section 139 of Chapter 14, R. S.

I have your memo of June 1st, stating that you are not quite clear as to the meaning of my memorandum of May 27th, relating to the above subject, and you ask me if you are correct in understanding that the proper interpretation is that the Maine Insurance Premium tax rate found in Chapter 14, 2%, is to be compared with the over-all rate in the other State, and if the latter is greater, then credit is to be given for the Maine Fire investigation tax found in Chapter 85, $\frac{1}{2}$ %, in determining the retaliatory rate to be applied.

In reply I will state that your interpretation of my memo is correct, as confirmed by me orally in my office in conversation with you and Mr. Fenton.

RALPH W. FARRIS
Attorney General

June 10, 1949

To Col. Francis J. McCabe, Chief, Maine State Police
Re: Chapter 210, P&SL 1949

I have your memo of June 7th referring to our recent conversation concerning an act increasing the pensions of retired members of the State Police, which act is now Chapter 210 of the Private & Special Laws of 1949. This provides that the retired members of the State Police shall receive in addition to their present retirement pay such additional amounts as will equal one-half of the pay per year now paid to members of their respective grades at the time of retirement. Such money shall be appropriated from funds of the State Police. The provisions of this act shall be effective until June 30, 1951. It was the intent of the legislature to change the present retirement pay until June 30, 1951, after which time the present retirement law shall return to full force and effect.

You state that during the time the legislature was in session you were called in before a hearing before the Ways and Bridges Committee relating to this act and you advised them at that time that if this law was passed, you would be able to take care of the financial end of it, that is the payment of money to the various individuals of your department concerned who have retired, and this on the basis of your present budget. At the time you made this statement it was your belief and the opinion of the committee that the scale of pay would be in conformity with your present salary scale.

You further state in your memo that on reading over this bill, which will become law on August 6, 1949, you feel some doubt as to whether this should be based on the present salary scale of the State Police or on the new pay scale which will become effective 90 days after the adjournment of the legislature; and you therefore request me to give you a ruling concerning this new pension scale for retired members of your department.

I wish to advise that it is my opinion that the retired members of the State Police should receive in addition to their present retirement pay such additional amounts as will equal one-half of the pay which will now be paid to members of their respective grades at the time of retirement, and this will include the new salary scale which becomes effective on the same day as this Private & Special Law set forth in Chapter 210, P&SL 1949, which I have quoted, because the two bills do become effective at the same time.

If you do not have sufficient money in your budget to take care of this increase in the retirement pay of your members who have retired, it will be necessary for you to go to the Governor and Council for funds to take care of this Act, because you cannot appropriate funds of the State Police when there are none available for this purpose unless there is a transfer from the General Highway Fund to the funds of the Maine State Police.

RALPH W. FARRIS
Attorney General

June 10, 1949

To Hon. Frederick G. Payne, Governor of Maine
Re: Electoral College

In going through the files of my late Deputy, Mr. Breitbard, I find a letter addressed to you by Henry Cabot Lodge, United States Senator from Massachusetts, which has to do with a bill pending before the 81st Congress consisting of a Constitutional Amendment for abolishing the Electoral College and the office of elector, but retaining the electoral vote as a counting device. You asked Abe's opinion on this matter.

While I was in Texas last fall attending the National Association of Attorneys General, Congressman Ed Gossett of Texas was one of our dinner guest speakers, and he talked about forty minutes on this subject. He stated that he was working with Senator Lodge on the matter of this Constitutional Amendment to abolish the Electoral College. After listening to his speech I was convinced that the Constitutional Amendment would be advisable. I have read some of the statements in the pamphlet which Senator Lodge sent you on March 3rd and I note that some of the same occurrences in Presidential elections were cited by Ed Gossett in his speech at Houston, Texas, last fall.

Of course they are quite convincing on the point that the Electoral College is outmoded and should be brought up to date, and they also indicate what might happen if the election of a President were thrown into the House of Representatives. . . .

RALPH W. FARRIS
Attorney General

June 10, 1949

To Honorable Frederick G. Payne, Governor of Maine

On May 11th one of your secretaries sent over to this office two letters with attached material from Mrs. J. E. Goodbar of Portland. The letterhead is that of the National Federation of Press Women, Inc. She called