

# 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**

your attention to a letter from Dr. J. W. Montgomery of the "Protestant Voice," then at 1021 McGee Street, Kansas City, Missouri, suggesting that she invite you to become a member of its Board of Directors. She also enclosed a copy of the statement of policy of this publication and a copy of a questionnaire.

It is very risky, in my opinion, for a Governor of a State to associate himself as a board member or a director with an organization about which he knows nothing and from which he would probably obtain no benefit. It seems to me that there is no need for a national Protestant newspaper, as all newspapers should be non-denominational, the Constitution of the United States having placed a bar between State and Church. Article I of the Amendments to the Constitution of the United States provides:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; . . ."

Section 4 of Article I of the Constitution of Maine provides:

"Every citizen may freely speak, write and publish his sentiments on any subject, being responsible for the abuse of this liberty; no laws shall be passed regulating or restraining the freedom of the press; . . ."

Therefore it is my opinion that any publication on a religious basis, whether Catholic or Protestant or other, would not be healthy nor successful.

The first question in the pamphlet sent by Mrs. Goodbar is: "Why is this effort being made?" and the answer is, "Because conditions of our time demand a strong Positive Protestant influence and front." In other words these people are trying to make the "Protestant Voice" a public enterprise. Question 22 is "Why do they not continue on the present basis?" Answer: "Because they understand that as a private enterprise it can never have the scope it should nor fulfill the mission for which it came into existence." In other words they are trying to get the President of the United States and the Governors of the several States behind this Protestant movement. One cannot know without long investigation what is behind these organizations. This one may be a Communist-front organization in the making, and one whose affairs I advise you to avoid. . .

RALPH W. FARRIS  
Attorney General

June 11, 1949

To H. H. Harris, Controller

I have your memo of June 6th relating to Chapter 21 of the Resolves of 1949 which provides:

"That there be, and hereby is, appropriated the sum of \$110,000 from the general fund of the state for the purpose of defraying the cost of the temporary salary increase for state employees, as already authorized by the personnel board, for the remainder of the present fiscal year."

You state in your said memo that for payroll purposes the last payroll to be paid in the present fiscal year is for the week ending June 25, 1949 to be paid June 29 and June 30, 1949; but that in determining the estimated requirements for the balance of the present fiscal year, which was the basis of the above appropriation, the week of June 19 through June 25 was used as the last payroll in the present fiscal year.

You state that the payroll for the week of June 26 through July 2 will be paid from the 1949-50 fiscal year appropriation. Then you quote Chapter 214, P&SL 1949, which provides for a further salary increase of \$3 per week beginning July 1, 1949 and continuing through June 30, 1950. The funds for this purpose are appropriated from the unappropriated surplus of the general fund, for all full-time State employees or substitutes therefor. Authority is also granted for the same increase for employees paid from funds other than the general fund, the same to be financed from the individual funds involved. This provision does not apply to salaries set by the legislature or approved by the Governor and Council. In said Chapter 214 the legislature stated its intent in these words.

"It is the intent of the legislature under the provisions of this section to provide for the fiscal year ending June 30, 1950 a substitute for the so-called \$3-\$4-\$5 increases as granted by the personnel board on October 4, 1948 and as continued by the provisions of chapter 21 of the resolves of 1949."

You state in your memo that it appears from this act that funds for the adjusted salary increases become available July 1, 1949 and payroll payments subsequent to this date should be on the revised basis, and you ask me for a ruling upon the following question:

"Should the change from the so-called \$3, \$4, \$5 salary increases, as authorized by the personnel board, to the \$3 weekly increase, as authorized by the Legislature, become effective *for the full week of June 26 through July 2* which will be the first payroll to be *paid in the next fiscal year*, or should the change be made as of *July 1, 1949*, or should it be effective for the *first full payroll week in July* which would be July 3 through July 9?"

It is my opinion that your payroll should run through for the full week of June 26 through July 2nd for the purpose of eliminating unnecessary book-keeping and expense of same by prorating the payroll for the full week effective in two fiscal years. The first payroll of the next fiscal year should begin July 3rd, figured at the current rate, the new \$3 rate beginning in the full payroll week of July 3rd.

In Section 2 of Chapter 214 the law states:

"It is the intent of the legislature to continue the provisions of chapter 188 of the private and special laws of 1947."

That is, the \$7.20 per week salary increases, provided, however,

"that the personnel board, with the approval of the governor and council, shall have the authority to make such reduction in any or all of the salary increases herein provided as they may determine."

That is the wording of Chapter 188 of the Private & Special Laws of 1947, and therefore it is my opinion that the effective date of the salary change, so far as all funds are concerned, should be the end of the full payroll week ending July 2, 1949.

RALPH W. FARRIS  
Attorney General