

# 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**

to the effect that they mean that the veteran has sustained a war-service-connected disability and that such war-service-connected disability continues to exist, and that for the purpose of compensation under the federal statute the disability is less than 10%. See *Barry v. Chapman*, 73 N. Y. Supp. 2d, 143.

The purpose of the statute cited above does not entirely refer to disabilities which impair earning capacity. "It points toward a reward for one who had, even in a slight degree, sustained in war service some physical depreciation which the federal government had recognized as such and whose impaired physique due to such recognized illness, disease, or wound has continued to exist." See *Potts v. Kaplan*, 264 N. Y., page 117.

The "zero disability" rating is one which refers exclusively to a rating dealing with the payment of benefits by the federal government for "impaired earning capacity" and has no relation to the question of preferences under the State Personnel Law. See *Barry v. Chapman*, 73 N. Y. Supp. 2d, 142.

The New York statutes being construed by the above quoted cases do not materially differ from the words used in the Maine law. Further support for this opinion may be found in the Maine law itself, in that any other conclusion would render subparagraph 1 of no effect, if the receipt of compensation under subparagraph 2 were a prerequisite to an entitlement to the ten-point preference.

JOHN S. S. FESSENDEN  
Deputy Attorney General

August 3, 1949

To W. Earle Bradbury, Deputy Commissioner,  
Inland Fisheries and Game  
Re: Night Hunting—first and second offenses

In reply to your memorandum of August 2, 1949, you are advised that the provisions of Chapter 250 of the Public Laws of 1949 apply to all offenses of night hunting appearing on the convicted person's previous record. You will note that this section of the law only adds jail sentences to the previous provisions relative to the imposition of fines.

It would appear that this chapter does not supersede the general power of the court to extend probation under the provisions of Section 1 of Chapter 136. The night hunting law merely denies the court the right to suspend the imposition of sentence.

JOHN S. S. FESSENDEN  
Deputy Attorney General

August 3, 1949

To Earle R. Hayes, Secretary, Employees' Retirement System  
Re: Eligibility, Maine-New Hampshire Interstate Bridge Authority to  
Membership

In reply to your memorandum of July 11, 1949, you are advised that the State of Maine employees in the employ of the Maine-New Hampshire Interstate Bridge Authority are employees of a "quasi-municipal corporation" within the meaning of the Retirement Law relative to participation in the System by local units of that nature.

JOHN S. S. FESSENDEN  
Deputy Attorney General