

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

R E P O R T

OF THE

ATTORNEY GENERAL

for the calendar years

1949 - 1950

However, I should be very careful in making these advances after September 15th and check with the State Treasurer in regard to unpaid taxes by the municipalities to which you are making advances under Chapter 202. . . .

RALPH W. FARRIS
Attorney General

September 19, 1949

To Honorable Frederick G. Payne, Governor of Maine
Re: Employment Security Law

The Employment Security law does not create any vested rights in anyone. While unemployment compensation is a modified form of insurance, it is not actually insurance in the "contract" sense. By this is meant, there is no contract or promise that in consideration of the receipt of a stated amount of premium, the insurance company will pay a stated amount of money upon the arising of a given contingency.

No recipient of unemployment compensation pays anything in the way of a premium. His former employer paid contributions (taxes) into the program fund for the relief of unemployment, if and when it occurs. The amount to be paid to unemployed individuals is determined by the legislature. Effective September 1, 1949, the legislature changed the payment schedule. It has no legal obligation to maintain any particular schedule. It could, if it so voted, repeal the whole program at any time. No rights of contract are involved and hence there are no questions of "legality" as to the validity of legislative acts changing rates as of any given date.

JOHN S. S. FESSENDEN
Deputy Attorney General

September 20, 1949

To Austin Wilkins, Deputy Forest Commissioner
Re: Claim of Somerville Plantation for Reimbursement under the provisions of Chapter 356, P. L. 1949

You stated that the Controller's office has raised a question whether the claim of Somerville Plantation for reimbursement for fire fighting in connection with a fire that occurred in that Plantation on July 24, 1949, should be paid at the rates established by Section 58 of Chapter 85, R. S., as repealed and replaced by Chapter 362 of the Public Laws of 1945, or at the rates prescribed by Chapter 357 of the Public Laws of 1949, which again repealed and replaced the same section.

Chapter 356 of the Public Laws of 1949 did not become effective until August 6, 1949. Subsections IV, V and VI of this act make provision for the rate of reimbursement payments to towns and the methods of calculation for such payments, together with the form and content of informational vouchers upon which such payments can be made.

You have stated that the Somerville fire was finally extinguished on August 18, 1949. Under the provisions of Chapter 356, which became effective on