

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

August 29, 1951

To Leo Fox, Finance Department
Re. State Police Salary Scales

An opinion has been requested of this office relative to Chapter 408, Public Laws of 1951, An Act to Increase the Salaries of Members of the State Police.

The Act provides that sergeants, lieutenants, captains and majors shall have respectively certain base pay, which base pay shall be increased annually by a certain amount until a particular maximum salary is reached. Thus, the base pay for a lieutenant is \$72 per week and he receives annual increases of \$3 per week until a maximum salary of \$85 per week is reached; a captain has a base salary of \$79 per week, after which he receives an increase of \$3 per week each year until a maximum salary of \$95 per week is reached; the base pay of a major being \$86 per week and the annual increase being \$4 per week until a maximum salary of \$107 is reached.

It will be noted that, in relation to lieutenants, captains and majors, the specific annual increases will never equal the maximum salary. For instance, the fifth step for a lieutenant, after four annual increases of \$3 per week, will bring his salary to \$84, or \$1 under the maximum salary of \$85. A similar problem is presented in the scales of pay relating to captains and majors, and this office has been requested to give an opinion as to how the remaining steps should be handled.

It is our opinion that there should be strict adherence to the specified increases in the weekly salary, annually, in so far as practicable. When a similar increase would exceed the authorized maximum, then that last step should be diminished by as many dollars as necessary to equal the maximum. In the case of a lieutenant, where the fifth step brings the salary to \$84, the sixth and last step would be an increase of \$1, an amount which would equal the maximum salary. The salaries of captains and majors should be administered similarly.

JAMES G. FROST
Assistant Attorney General

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August 30, 1951

To Lester E. Brown, Chief Warden, Inland Fisheries and Game
Re: United Nations Representatives – Fishing Licenses

In your letter of August 27, 1951, you ask if representatives of the United Nations have privileges greater than the American citizen in that they are permitted to fish in our lakes without first securing fishing licenses.

May we say briefly that the answer is, No.

Section 32, subparagraph II, Chapter 33, R. S. 1944, as amended, authorizes the Governor to issue complimentary fishing and hunting licenses to members of the Canadian Immigration and Customs Forces who serve in such capacity on the Maine border; to holders of the Congressional Medal of Honor; and the Commissioner is authorized by Section 32, paragraph IV, Chapter 33, to

issue free licenses to certain groups of patients at the Veterans' Center at Togus.

By virtue of the specifically enumerated classes, other classes are excluded from being extended similar privileges.

JAMES G. FROST
Assistant Attorney General

August 30, 1951

To C. H. Arber, Merit Award Board

In your memo of August 13, 1951, you inquire if Section 21 of Chapter 20, R. S. 1944, which requires that certified checks be submitted when bid proposals are considered, may be amended so that cashiers' checks may be accepted, and this before the next legislature convenes.

It is our opinion that we may not change the statutes without proper procedure through the legislature and that, until such time, certified checks are the only checks that may be accepted.

JAMES G. FROST
Assistant Attorney General

August 30, 1951

To Mrs. Evelyn D. Marshall, Labor and Industry

Re: Sections 22 and 24, Chapter 25, R. S. 1944

You ask if a woman working as a dispatcher for a taxi service comes under the definition of a female employed by a transportation company.

We re-affirm the opinion expressed by this office on May 18, 1949, to the effect that a concern operating a taxi service is a "transportation company". Necessarily, then, for the purposes of Sections 22 and 24 of Chapter 25, R. S. 1944, a woman working as a dispatcher for a taxi service is employed by a "transportation company".

JAMES G. FROST •
Assistant Attorney General

August 30, 1951

To Ermo H. Scott, Deputy Commissioner of Education

Re: Section 124, Chapter 37, R. S. 1944

Your memo of August 24, 1951, in which you ask for an interpretation of a paragraph in Section 124 of Chapter 37, R. S. 1944, has been received by this office. Said paragraph reads as follows:

"The commissioner of education shall further collect all records of educational institutions within the state which are now extinct, or shall