

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

January 2, 1952

To Earle R. Hayes, Secretary, Maine State Retirement System
Re: Stonington Water Company

We have your memo of recent date in which you ask if the Stonington Water Company can be considered a department of the town and its employees therefore covered under a contract between the town and your Retirement System, or is a political subdivision and therefore its employees covered under a contract between the water company and the Retirement System.

Chapter 240 of the Private and Special Laws of 1907 is the Act incorporating the Stonington Water Company. By that Act four individuals, their associates, successors, and assigns were thereby made a corporation to supply water to the town of Stonington. The capital stock of the said company was set at \$50,000., said stock to be divided into shares of \$25. each.

At this point we can see that, without more, the Stonington Water Company would be a private corporation incorporated by a Special Act of the Legislature, and not a political subdivision of the State of Maine.

However, Chapter 271, P&SL 1909, amended Chapter 240, P&SL 1907, adding two new sections which authorize the Town of Stonington to raise money to purchase and own stock of the Stonington Water Company to an amount not exceeding \$10,000. at the market value of said stock at the time when said purchase may be made. Section 16 further provides that the municipal officers of Stonington shall appoint a person to vote the stock so purchased. Thus it is evident that, under our laws, the Town of Stonington owns not more than 1/5 of the stock of the Stonington Water Company. This statement is made with the thought that the price paid for stock purchased by the town is a reflection of the capital stock of the company as set at \$50,000.

It is therefore our opinion that your System may not negotiate with the Stonington Water Company as a political subdivision, and that if the employees of the Town of Stonington working with the water company desire coverage, it must be by reason of contract between your agency and the Town of Stonington.

JAMES G. FROST
Assistant Attorney General

January 3, 1952

To Paul A. MacDonald, Deputy Secretary of State
Re: Absent Voting for Members of the Armed Forces

We have your memo of December 5, 1951, relative to Chapter 92, P&SL 1944, An Act to Facilitate Voting by Members of the Armed Forces of the United States.

Section 11 of this Act provides:

"This act shall remain in force until 6 months after the state of war