

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

March 27, 1952

To Earle R. Hayes, Secretary, Maine State Retirement System
Re: Additional Contributions

We have your memo of March 20, 1952, in regard to Section 14, subsection I, paragraph C. of the Retirement Law, which provides that a member of the Retirement System may make additional contributions over and above the normal rate of contribution, by virtue of which he will be provided with a retirement allowance, so far as his annuity is concerned, of more than he would otherwise be granted, provided it does not develop a total retirement allowance in excess of one-half of his average final compensation at age 65.

You ask the following question: "In the event that he should be granted a refund of such additional contributions, is it your opinion that the law requires that he should be paid not less than $\frac{3}{4}$ of the total accumulated interest on such additional contributions, this being the basic provision of the law with reference to regular contributions?"

Stated in a different way, your question might be: "Are these additional contributions or deposits to be considered and handled in the same manner as the normal rate of contribution?"

This question seems to be answered by the last sentence of paragraph C., which states:

"Such additional amounts so deposited shall become a part of his accumulated contributions except in the case of disability retirement, when they shall be treated as excess contributions returnable to the member as an annuity of equivalent actuarial value."

It follows that if such redeposited or additional contribution becomes a part of his accumulated contributions, then under Section 9, when a member ceases to be an employee except by death or by retirement, then he should be paid in addition to the amount of his contribution an amount not less than $\frac{3}{4}$ of accumulated regular interest on that fund.

JAMES G. FROST
Assistant Attorney General

March 27, 1952

To Roland H. Cobb, Commissioner, Inland Fisheries and Game
Re: Licenses-Families of Servicemen Stationed in Maine

We have your memo of March 24, with attached letter from the Commanding Officer of the U. S. Naval Air Station, Brunswick, Maine.

The question apparently raised by him is whether or not dependents of servicemen are eligible to receive hunting licenses at the resident license fee.

Section 32, paragraph XI, provides that a license to hunt or fish shall be issued at the resident license fee to any member of the Armed Forces of the United States of America who is a citizen of the United States and stationed at some military or naval post, station or base within the State. It is quite clear that this privilege is granted only to a member of the Armed Forces and has not been extended to include members of his family.

As you have suggested to the Commanding Officer, if it be the intent of the legislature to extend this privilege to the members of a serviceman's family, then it would have to be amended by the incoming legislature to that effect.

JAMES G. FROST
Assistant Attorney General

March 31, 1952

To Howell G. Cutter, Supervising Inspector, Labor and Industry
Re: Elevator Inspection and Certificate Fees

In your memo of March 31, 1952, you state that under the provisions of Chapter 374 of the Public Laws of 1949 your department has been inspecting all uninsured State-owned elevators, as required by Section 99-H, and that departments for which inspections had been made were billed. The bill was for the amount of the inspection fee and the certificate fee.

You further state that you are in receipt of a letter dated March 27, 1952, from the Department of Public Buildings, in which it is stated that an opinion by Ralph Farris addressed to David Soule, dated March 25, 1949, relative to the charges for inspection from one department to another prohibits the inspecting department from charging the other department for such inspections. You then ask:

“Are the various state departments exempt from the inspection and certificate fees provided by the law based on the opinion expressed in the letter of March 25th, 1949 from the Attorney General's Department to the Insurance Commissioner?”

The above mentioned opinion dated March 25, 1949, was addressed to the Insurance Commissioner and was directed to an interpretation of the insurance laws, more particularly Section 29 of Chapter 85, R. S., as amended by Section 8 of Chapter 188 of the Public Laws of 1947. This section set up a procedure whereby the various insurance companies doing business or collecting premiums or assessments in the State of Maine should pay to the State Tax Assessor, in addition to taxes, an amount equalling 1/2 of 1% of the gross direct premiums for fire risks written in the State during the preceding calendar year. It was further provided that such funds should be used solely to defray the expenses of investigations and inspections and rules and regulations to be administered by the Insurance Department. These laws, in effect, provided a fund to be used for inspection purposes.

Mr. Farris's opinion merely stated that the cost of inspections provided for under that section, for which a fund had been set up by the legislature, were to be defrayed from said fund and, such cost having been provided for, that it would be improper to demand reimbursement from another department, even though a condition precedent to the issuing of a license by the second department was an inspection by the Insurance Department.

Mr. Farris's opinion cannot be construed to mean that every department shall be free from costs necessitated by investigations by another department,