

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

The above would apply also to the Clerk and Assistant Clerk of the House.

JAMES G. FROST
Deputy Attorney General

November 12, 1953

To Honorable Leon M. Sanborn, Executive Council
Re: Maine Port Authority – Contingent Account

. . . You ask, "Would you please be kind enough to give me a ruling as to whether a proper representative of the Maine Port Authority has authority to sign a council order requesting funds from the contingent fund."

It is the opinion of this office that the Maine Port Authority is such an agency of the State as can properly make a request for funds from the contingent account. It should be noted that under the provisions of the Act creating the Authority it is stated that the Authority is constituted a public agency of the State of Maine and that all property at any time owned in the name of the Port Authority shall be considered as the property of the State of Maine.

The council order should be signed by the chairman of the board of directors and the request should be accompanied by a certified copy of the resolution of the board authorizing the request to be made.

Whether or not the request shall be granted is entirely within the discretion of the Governor and Council, the fact situation making the request necessary being the determining factor. If such facts, in the opinion of the Governor and Council, amount to an emergency or otherwise come within the provisions of Section 24 of Chapter 14, then the request may be made.

JAMES G. FROST
Deputy Attorney General

November 25, 1953

To Earle R. Hayes, Secretary, Maine State Retirement System
Re: Chapter 400, Public Laws of 1953 – Teachers' Retirement

We have your memo of October 19, 1953, in which you ask our opinion as to the application of the provisions of Chapter 400 of the Public Laws of 1953, which Act amended Section 6, subsections IX, X and XI of Chapter 60, by increasing the retirement benefits of teachers "who have heretofore or shall hereafter retire" under said subsections.

Chapter 400 amended the above Section 6 by adding a new subsection, XII, which reads as follows:

"The increase in pensions hereinbefore authorized shall apply to all teachers who have heretofore or shall hereafter retire under the provisions of subsections IX, X and XI."

Both from your memo and from conversations had by us relative to this matter, the question would appear to be: Does subsection XII limit the