

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

attorney made and one of these affixed to the bond, but it would seem to me that it would be sufficient for the one exercising this power to refer to his blanket power which is on file.

L. SMITH DUNNACK
Assistant Attorney General

October 12, 1954

To Paul MacDonald, Deputy Secretary of State
Re: Temporary Numberplates

We have your inquiry relative to the time allowable under the provisions of Section 28 of Chapter 19, R. S. 1944, as amended.

The provision in question is as follows:

"A manufacturer or dealer may, upon the sale or exchange of a motor vehicle, attach to such motor vehicle a set of temporary number plates, and the purchaser of such motor vehicle may operate the same for a period not to exceed 7 consecutive days thereafter without payment of a regular fee."

The question propounded is whether or not, under this law, the day the temporary plates are attached is excluded from the 7-day period. We must answer this in the affirmative. To do otherwise would be to overlook the true and complete meaning of the word "thereafter", as it is used in Section 28, *supra*. This would again refer one to the day of sale or exchange of the motor vehicle.

ROGER A. PUTNAM
Assistant Attorney General

October 14, 1954

To H. H. Harris, Controller
Re: Fees of Chief Forest Fire Wardens

We have your memo asking if chief forest fire wardens working for the Forestry Department may be paid fees for their services.

With respect to classified employees, this office has held, in harmony with the intent seen in Rule 5 of the Rules and Regulations adopted by the Personnel Board, that such employees may not receive fees in addition to their salaries as authorized under the Plan of Compensation.

Your question, however, relates to unclassified employees. This office has expressed orally to the Forest Commissioner the opinion that chief forest fire wardens may, under the provisions of Section 103 of Chapter 36 of the Revised Statutes of 1954, be allowed fees, this by express provision of law, being unclassified employees governed by provision of law other than that governing classified employees. We are of the opinion that where such chief forest fire wardens are by statute "allowed the same fees as a sheriff or his deputy" we cannot amend that law by denying them that right. Such denial would have to come by legislative act.

We distinguish the present case from that considered by Mr. Niehoff in his opinion dated June 30, 1944, relating to inspectors who are on a salary basis, in regard to whom there was no express authority allowing them fees.

JAMES GLYNN FROST

Deputy Attorney General

October 21, 1954

To Earle R. Hayes, Secretary, Maine State Retirement System

Re: University of Maine

We have your memo dated October 20, 1954, in which you ask the following question:

"Acting in our capacity as the State Agency responsible for administering Social Security coverage for political subdivisions of the State of Maine, you are requested to advise us as to whether or not in your opinion the Governor of the State has the authority at this time to direct the proper officials at the University of Maine to conduct a referendum vote among the members of the retirement system which presently covers its teaching staff for the purpose of determining whether or not that particular group desires to avail itself of coverage under the Social Security Act as apparently is provided for in Chapter 395 of the Public Laws of 1951 as amended by Chapter 128 of the Public Laws of 1953, and in view of the amendments to the Federal Social Security Act as enacted at the last session of Congress."

The answer to your question is, YES. With one exception, Chapter 60-A of the Revised Statutes was enacted in 1951 for the purpose of extending to employees of the political subdivisions of the State of Maine who are not members of existing retirement or pension systems the benefits of Social Security provided under the Federal Social Security Act enacted by the Congress of the United States.

The one exception mentioned above is the University of Maine. By virtue of Chapter 128 of the Public Laws of 1953, the provisions of this chapter, 60-A, were made to apply "to employees of the University of Maine who are members of an existing retirement or benefit system."

At the time of the enactment of Chapter 128, the Federal Law did not permit such employees, who were members of an existing retirement or pension system to participate in the benefits of Social Security. The eventuality that would permit employees of the University of Maine to enter the Social Security System would be amendment of the Federal laws authorizing employees of a political subdivision who are members of an existing retirement or pension system to so participate. It is our understanding that such amendment has been made to the Federal Social Security Act by the last Congress. Section 1 of Chapter 60-A provides that it is the policy of the legislature, subject to the limitations of Chapter 60-A that such steps be taken as to provide such protection to employees of the political subdivisions of the State on as broad a basis as is permitted under the Social Security Act. Such declared policy would be sufficient authority in our opinion to authorize the