

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

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

Governor of this State to take such steps as are necessary to see that employees of political subdivisions are extended the protection of the Act.

JAMES GLYNN FROST
Deputy Attorney General

October 22, 1954

To Honorable Burton M. Cross, Governor of Maine
Re: Refugees

The following is submitted in response to your memo of October 21st, to which you attached a letter addressed to you from the Department of State concerning the appointment of an advisory committee relative to the admission to this State of refugees from foreign countries.

Sections 2-A and 2-A of Chapter 32 of the Revised Statutes of 1944 (as enacted by Chapter 258 of the Public Laws of 1947 and re-allocated by Chapter 349, Section 57 of the Public Laws of 1949) read as follows:

“Statement of policy. It shall be and is hereby declared to be the policy of the state of Maine to encourage the settlement within its borders of displaced persons of Baltic origin; provided nevertheless that nothing herein contained shall be so construed as to discourage immigrants of other nationalities.

“Maine development commission to arrange for settlement through negotiations with the Department of State, Department of Justice and the United Nations. The Maine development commission is hereby empowered and authorized to negotiate with the U. S. Department of State, with the U. S. Department of Justice and with the United Nations, or with any proper agency or department of the United Nations, to arrange for the settlement in this state of such displaced persons of Baltic origin who are able to buy, or who may have bought for them private property within the state owned by private persons.”

It can be seen from the above quoted sections, as read together with the preamble to the Act that emphasis is given to Europeans of Baltic origin, i.e., natives of Estonia, Latvia and Lithuania, provided that nothing should discourage entries of other nationalities.

However, there is no provision relative to the appointment of local advisory committees. Perhaps the Maine Development Commission negotiating with the U. S. Department of State would suffice for the purposes of that department.

JAMES GLYNN FROST
Deputy Attorney General

October 28, 1954

To Col. Harry A. Mapes, Director of Civil Defense and Public Safety
Re: Loyalty Oaths of Minors

I have your memorandum of October 19th. The date of the ruling referred to was November 25, 1953 . . . The oath referred to is in Section 14 of