

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

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

Chapter 298 of the Laws of 1949, and the restrictions upon membership would appear to depend upon ability to make that oath with understanding.

We find nothing in the law in reference to the age of 18 years. Children in this State are minors until the age of 21 is reached, but their ability to participate in this program is not thus limited. It would appear not to be unlikely that a normal boy in his teens would be a proper subject to apply for membership in this organization, and if found satisfactory and capable of understanding the oath, would be eligible.

You enclosed a copy of your memorandum to county and local directors, which I think is very well stated and completely covers the matter.

NEAL A. DONAHUE
Assistant Attorney General

October 29, 1954

To Ronald W. Green, Chief Warden, Sea and Shore Fisheries
Re: Weir in Deorganized Town

This will acknowledge receipt of your memo of October 27th and attached petition to measure and lay out a weir or trap. You ask the procedure to be followed in obtaining a permit to build a weir in the deorganized Town of Edmunds. . .

The Town of Edmunds by a vote in 1937 agreed to accept the surrender of its organization. The town clerk certified to the Secretary of State on November 30, 1937, that the Town had so voted.

The State Tax Assessor, under provisions of our laws, was in control of Edmunds for a period of not more than five years.

Section 7 of Chapter 86, R. S. 1944, being that section pertaining to licenses to construct wharves and weirs, applies only to cities and towns and, in another section, islands. The Tax Assessor being no longer in a position to accept such petition and the provisions of Section 7 not extending to deorganized towns, this office is of the opinion that such license or permit to lay out a weir must be granted by the legislature.

JAMES G. LYNN FROST
Deputy Attorney General

October 29, 1954

To Honorable Harvey R. Pease, Register of Probate, Lincoln County
Re: Inheritance Tax when Assets Pass outside of Will

You have requested an opinion on the inheritance tax liability of the executor or administrator when part of the assets pass outside the will, as by gift in contemplation of death, gift made or intended to take effect in possession or enjoyment after death or survivorship in joint tenancy.

Your inquiry relates to the revision of Probate Court Rules and Forms.