

MAINE STATE LEGISLATURE

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STATE OF MAINE



REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1955 - 1956

The constitutionality of the statutes referred to, which is the underlying basis for your request, must be assumed by this office; and it is therefore our opinion that such licensing requirement must be complied with by the canners before commencing business.

JAMES GLYNN FROST
Deputy Attorney General

April 26, 1956

To Samuel H. Slosberg, Director, Legislative Research

Re: Milk Control

We have your memorandum of April 3, 1956, stating:

"The Legislative Research Committee requests an opinion of the Office of the Attorney General as to whether or not the State of Maine is subject to milk control, so called, under the provisions of Chapter 33 of the Revised Statutes of 1954."

More specifically, your question relates to Section 1 of Chapter 33, which defines "person" as meaning, "any person, firm, corporation, association or other unit."

This office has on two previous occasions given its opinion that this definition does not include the State, and therefore that the State is not subject to the provisions of this law. Those two previous opinions are attached hereto for your information.

We have not at the present time found any reason to reverse the previous opinions of this office. The case of *Maine v. Crommett*, 151 Maine 193, which states in part:

"It is the general rule in Maine that the State is not bound by a statute unless expressly named therein."

rather strengthens our opinion to the effect that the State is not subject to the provisions of this statute.

FRANK F. HARDING
Attorney General

April 27, 1956

To Earle R. Hayes, Secretary, Maine Retirement System

Re: Col. Raymond E. Morang

This is in response to your request for an opinion as to whether or not Col. Raymond E. Morang should be given credits toward retirement for his military service.

Col. Morang began employment with the State in April of 1932 and left the service on the 24th day of February, 1941, to enter the Army. He was retired from the Army for reasons of physical disability on the 1st day of November, 1945. From November of 1945 to March 15, 1947, Col. Morang worked part-time in the City of Gardiner in the capacity of advisor to returning veterans. He returned to State employ in September, 1947.