

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

1957 - 1958

August 13, 1957

To Paul A. MacDonald, Deputy Secretary of State

Re: Maine Democrat

. . . You inquire if the Maine Democrat, a corporation organized under the general law of the State of Maine, may accept ads from business houses, to be inserted in their newspaper, and whether such income must be reported under the provisions of Chapter 9 of the Revised Statutes.

It is our opinion that ads may be accepted, but that sums received to pay for such ads must be considered as contributions and reported under the provisions of Chapter 9 of the Revised Statutes of 1954.

Political rights are those which may be exercised in the formation and administration of the government.

Political parties are recognized as such by the government, by virtue of legislative enactment, Chapter 4, Section 1, R. S. 1954.

A "treasurer" is defined as including all persons appointed by any political committee to receive or disburse moneys to aid or promote the success or defeat of any such party, principal, or candidate.

"Political committee" shall include every committee or combination of 3 or more persons to aid or promote the success or defeat of any political party or principal in any such election or to aid or take part in the nomination or election of any candidate for public office.

The activities of parties, their candidates and officers, are carefully governed by statute. For example, no treasurer or political agent shall incur *any* expense for any purpose not authorized in Section 4 of Chapter 9.

Section 4-II authorizes a treasurer or political agent in connection with any election, caucus or primary election to incur expenses for "printing and circulating political newspapers . . ."

Although incorporated, the Maine Democrat is still bound by the laws governing political activities.

While we cannot find a definition of the term "contribution" in the laws relating to elections, we think that the historical use of the term is a proper one—any funds received to further the efforts of a political party, principal or candidate—and that any such moneys received for ads would be considered contributions and reported as such.

FRANK F. HARDING
Attorney General

August 19, 1957

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

Re: Military Leave

In your memo of August 5, 1957, you directed our attention to Chapter 26 of the Public Laws of 1957, which reads as follows:

"No such credits shall be allowed to count toward a state retirement benefit beyond the period of first enlistment or induction into the said

armed forces unless the individual involved is compelled to continue service under some mandatory provision.”

Under the general provisions of law regarding credits for retirement, persons who left the employ of the State for service in the Armed Forces of the United States have been granted credits toward retirement. The above quoted section of law was introduced to enact a definite termination point beyond which time services would not be given credit.

You ask our opinion as to whether or not those persons who are presently on so-called military leave shall have their credits toward retirement terminated as of the end of the enlistment or induction period which is in effect at the time the amendment to the law becomes operative, namely on August 28th, or should the termination of such credits be considered to be operative only at the end of the enlistment or induction period which starts subsequent to August 28th next.

It is our opinion that credits toward retirement shall terminate as of the end of the enlistment or induction period which is in effect at the time the amendment to the law becomes effective.

JAMES GLYNN FROST
Deputy Attorney General

August 19, 1957

To Doris St. Pierre, Secretary, Maine Real Estate Commission

Re: Fee for Change of Location

. . . You ask us to clarify a certain apparent contradiction appearing in the Real Estate Law.

Presently paragraph 8 of Section 7, Chapter 84 of the Revised Statutes, provides that if a licensed real estate broker gives notice in writing to the Commission of any change of principal business location, the commission shall issue a new license for the unexpired period without charge.

The paragraph preceding the above mentioned paragraph 8 of Section 7 was amended by Chapter 35 of the Public Laws of 1957 to provide that “a fee of \$2. shall be paid for a license for change of business location or branch office.”

Thus it appears that paragraphs 7 and 8 of Section 7 are in clear conflict, paragraph 7 providing that a fee of \$2. shall be paid for a license for change of business location, and paragraph 8 providing that a new license shall issue without charge on certain conditions.

It is our opinion that the latest enactment of the legislature, being Chapter 35 of the Public Laws of 1957, shall prevail and that a \$2. fee shall be due and payable for a change of business location by a licensed real estate broker.

JAMES GLYNN FROST
Deputy Attorney General