

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1957 - 1958

Normally such gifts would be accepted by the state under the provisions of Chapter 11, Section 16 of the Revised Statutes of 1954. The gift itself not being in the form of a trust rather an unconditional gift, we are of the opinion that the fund may not be accepted in this manner as a trust but only as an unconditional gift.

We would suggest that the only way in which this fund can be impressed with the trust is for the Legislature to accept the gift and establish the trust.

JAMES GLYNN FROST
Deputy Attorney General

December 12, 1958

To Governor Edmund S. Muskie

Re: Maine Port Authority

Under the provisions of Chapter 5, Section 1 (d) of the Private and Special Laws of 1941:

“With the consent of the governor and council, first obtained, it (Maine Port Authority) may, by vote of its directors: . . .

2: Convey, sell, lease, demise or rent any of its property not required in the discharge or performance of its duties:”

By Section 1 (b) the Authority may buy or otherwise acquire property to be used for its general purposes of operating piers and terminal facilities at Portland.

It is our opinion that the request of the Maine Port Authority for authority to convey a right of way to the Canadian National Railways in exchange for a grant of land by the Canadian National Railways to the Port Authority, is a proper matter for consideration by the Governor and Council.

GEORGE A. WATHEN
Assistant Attorney General

December 29, 1958

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

Re: Division into Two Systems for Social Security Coverage

We have your memo of November 14, 1958, and attached copy of a letter from the Department of Health, Education and Welfare, indicating the need for an opinion of the Attorney General on the following question:

Question: May the Maine State Retirement System, under our present law, be divided for referendum and coverage purposes into two deemed retirement systems in the manner permitted by the Federal law (P. L. c. 85-840, section 316), i.e., into one system composed of the positions of teacher, as the then “teacher” is defined in section 316 of the Federal law, and the other composed of the positions of all employees than teacher as so defined?

Answer. The Maine Retirement System may be divided for referendum and coverage purposes into two deemed retirement systems, one composed of the