

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1959 - 1960

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shall become effective on the date on which the first payment normally becomes due.”

An additional factor to be considered, and which you drew to our attention, is the matter of dates on Mr. application for retirement.

While the application was apparently dated by Mr. on October 1, 1959, the jurat was dated October 19, 1959, by , Treasurer of the Town of , and the application itself was received by the System on October 21, 1959.

The System counted thirty days commencing with October 1, 1959, and Mr. died three days after such thirty-day period.

If counting had started from the day the application had been received, then death would have been within the thirty-day period.

The question here can be resolved by determining the time from which date the counting of the thirty-day period should commence.

We are of the opinion that the thirty-day period did not begin to run until receipt by the System of the application; and that in the present case the disposition of the retirement fund should be made under the provisions of Section 9, II.

The first step in the normal procedure of one desiring to be retired is his filing of a written application to the Board of Trustees.

“Sec. 6. Service retirement.

I.

A. Any member who at the attainment of age 60 is in service may retire at any time then or thereafter on a service retirement allowance upon written application to the Board of Trustees setting forth at what time he desires to be retired. . .”

As a general rule, where it is required that an application must be made to a particular body before an act can be accomplished, that body is presumed not to be aware of such application until it has been received or filed. To our knowledge there is no section in the Retirement law which appears to except the instant application from the general rule. We, therefore, are of the opinion that the filing of the application with the Board is a condition precedent to retirement. It must follow that the time when “the first payment on account of a retirement allowance becomes normally due”, as provided by section 12, must be a period of time commencing with the date of receipt of the application for retirement.

JAMES GLYNN FROST
Deputy Attorney General

June 7, 1960

To: Sulo J. Tani, Director, Research & Planning of Economic Development

Re: Federal Funds Re Urban Renewal

This opinion is submitted to you in connection with an application being submitted to the Urban Renewal Administration of the Housing and

Home Finance Agency for federal funds to be used for state planning work leading to a state comprehensive plan.

The Department of Economic Development is empowered through its Commissioner to accept for the State any federal funds approached under the provisions of federal law relating to urban planning and public works and continue such acts as are necessary in carrying out the provisions of such federal law. Section 2, Chapter 38-A, Revised Statutes of 1954, as amended.

Section 4, subsection VIII, provides that the Division of Research and Planning, a division of the Department of Economic Development, is empowered to assist in planning and executing any public or private project involving federal grants for loans, and is responsible for the preparation of a master plan for the physical development of the state. Section 4, subsection VI.

It is our opinion that the Department of Economic Development is a legal entity having the power to (1) accept federal funds through the Commissioner, and, (2) execute planning work leading to a state comprehensive plan pursuant to Section 4, Chapter 38-A.

GEORGE A. WATHEN
Assistant Attorney General

June 29, 1960

To: Harold A. Labbe, Chairman of Real Estate Commission

Re: Minimum Age Requirement of Brokers or Salesmen

We have your request for our opinion with regard to the minimum age required of any applicant for a Maine real estate broker or salesman's license.

After a review of the applicable statutes, it is our opinion that every person desiring to become a licensed broker or salesman must be at least 21 years of age at the time his or her application is made.

THOMAS W. TAVENNER
Assistant Attorney General

July 5, 1960

To: Doris M. St. Pierre, Secretary of Real Estate Commission

Re: Renewal Application for Salesman's License

We have your request for an opinion as to whether or not the Real Estate Commission can approve Mr. _____ renewal application for a salesman's license. After an examination of the relevant provisions of the Maine Real Estate law, it is our opinion that the Commission can grant Mr. _____ a non-resident salesman's license, but should not grant him a resident salesman's license.

The real estate license law, R. S. 1954, c. 84, section 10, permits the Commission to issue licenses to non-resident salesmen who comply with the requirements for resident salesmen. Nowhere in the law is there any