

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

It is our opinion that the proposed legislation would be unconstitutional unless some method is devised to determine exactly the amount of revenue received from the gasoline tax paid by the users of non-commercial pleasure boats.

Very truly yours,

THOMAS W. TAVENNER

Assistant Attorney General

March 22, 1961

To: Honorable Harry T. Treworgy
Member, Executive Council
State House
Augusta, Maine

Dear Mr. Treworgy:

In answer to your oral question as to the meaning of the term "No person shall be a trustee of the University who is over 70 years of age . . ."

It is our opinion that a person is 70 years of age until he attains the age of 71; therefore, any person appointed to be a trustee of the University of Maine can serve until his 71st birthday.

Respectfully yours,

FRANK E. HANCOCK

Attorney General

March 24, 1961

To: Honorable J. Hollis Wyman
Senate Chamber
State House
Augusta, Maine

Dear Senator Wyman:

We have your letter of March 22 requesting an opinion as to whether or not L.D. 1476 "An Act Relating to Jurisdiction of Public Utilities Commission over Motor Vehicles Carrying Passengers for Hire" would apply to or affect in any way the conveying of cannery workers, blueberry or bean pickers to and from their place of employment in vehicles furnished by their employers. We have discussed this matter with Mr. William Fernald of the Public Utilities Commission and have arrived at the following conclusions:

1. The lease by an employer of a bus for conveying employees to and from work when the bus driver is an employee is not covered under L.D. 1476.
2. The hiring of a bus for conveying employees to and from work when the employer furnishes the driver and the pay is either by the mile or by the day is not covered by L.D. 1476.

3. It is uncertain, from the terms of the proposed legislation, whether the hiring of a passenger automobile which is driven by an employee or by some other person for the purpose of hauling employees to and from work when the pay is either by the mile or by the day and when the employer is to be paid either by the driver or the car owner, is covered under L.D. 1476. For this reason we feel that the following amendment to section 35 would be in order:

“IV Agricultural transportation. Motor vehicles having a capacity of not more than 6 passengers operated for the sole purpose of transporting agricultural workers from their homes to their work location for the purpose of harvesting agricultural crops.”

It is our opinion that this proposed legislation is aimed at the transportation of persons for hire. Thus, if it is a legitimate rental agreement by which the employer rents a bus or other vehicle for the transportation of employees, the operation is not covered by the proposed legislation. If, however, the employer is actually contracting for the transportation of his employees, rather than for the rental of a vehicle, the operation would be included under the proposed legislation. It is to be assumed that the Commission will investigate contracts of this nature to determine whether or not the employer is, in fact, contracting for the transportation of his employees.

Very truly yours,

THOMAS W. TAVENNER

Assistant Attorney General

March 24, 1961

To: Asa A. Gordon, Coordinator of Maine School District Commission

Re: Proposed changes in Section 111-P.

This is in answer to your memorandum of March 6, 1961.

The question you propose relates to Section 111-P, Chapter 41, Revised Statutes of 1954, as amended. Numerous school administrative districts have been formed under the general law, Chapter 41, which chapter contains withdrawal provisions as set forth in Section 111-P. Should Section 111-P be changed, must the school administrative districts rely upon the provisions of the general law as they existed when the district was formed?

There is no guarantee by the Legislature to a school district that the general law will not be amended. A school administrative district must comply with the general law as amended and the district cannot revert to the general law as it existed upon the district's formation.

RICHARD A. FOLEY

Assistant Attorney General