

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

Just as the amputee veteran was not entitled to free registration and plates until the legislature so provided by statute so he is not now entitled to free initial type registration plates or combination of initials and numeric type registration plates without payment of the extra service fee. The legislature may at any time provide him with such plates without cost but until it does, he must pay the service fee.

GEORGE C. WEST

Deputy Attorney General

July 26, 1961

To: Roy U. Sinclair, Chairman of Maine Employment Security Commission

Re: Employment Security Law

We have your request for a ruling with respect to Revised Statutes of 1954, Chapter 29, Section 13, Subsection III. Our answer applies also to Subsection II of Section 13.

Chapter 361 of the Public Laws of 1961 amends several sections of the Employment Security law (Chapter 29, Revised Statutes 1954). The amendments will take effect on September 16, 1961, except with respect to Section 13, Subsection II, relating to weekly benefit amounts for total unemployment, and Subsection III relating to weekly benefit for partial unemployment. These two sections specifically take effect, by the wording of the law, on and after October 1, 1962.

In our opinion, it certainly was not the intention of the legislature to leave a void between September 16, 1961 and October 1, 1962 with respect to payments of benefits for total and partial unemployment. Therefore, the law now in effect, i.e. Chapter 29, Section 13, Subsection II as amended in 1957 and Chapter 29, Section 13, Subsection III as amended in 1959, will remain in effect until the specified statutory change date of October 1, 1962.

The printing of the law will cause some confusion. May we suggest that your office in compiling your laws in pamphlet form include an explanation of those two sections for purposes of clarification.

FRANK E. HANCOCK

Attorney General

July 27, 1961

To: Honorable L. Robert Porteous, Jr.

113 Foreside Road

Falmouth Foreside, Maine

Dear Senator Porteous:

This is in answer to your letter of July 13, 1961, regarding the question of tuition students of the proposed Town of Harpswell Neck attending Brunswick public schools.

Should Harpswell Neck separate from the Town of Harpswell by vote of the people, I believe paragraph 9 of the proposed contract agreement with Brunswick will remedy the problem of Harpswell Neck contracting with Brunswick for

tuition students. However, I note that paragraph 9 of the proposed contract provides that the newly formed town and Brunswick *may* contract for tuition students. It would, therefore, be discretionary for both parties and it may be that Brunswick would refuse to accept Harpswell Neck tuition students.

I believe this situation can be remedied by amending the Private and Special Laws of 1961, Chapter 83, at the next regular session of the Legislature to require Brunswick to contract with Harpswell Neck for tuition students as well as Harpswell and the surrounding towns.

In reviewing the whole case, however, I am of the opinion that there should be no difficulty as far as Harpswell Neck is concerned in contracting with Brunswick under the provisions of paragraph 9 of the proposed contract for tuition students as I do not foresee that Brunswick will refuse to contract.

Very sincerely yours,

RICHARD A. FOLEY

Assistant Attorney General

July 28, 1961

To: Kermit S. Nickerson, Deputy Commissioner of Education

Re: Determination of Legal Tuition Rate

You have requested my interpretation of Chapter 248 of the Public Laws of 1961, regarding the computation of legal tuition rates.

I am in agreement with the conclusions reached in your memorandum, that is, that the average daily membership of the preceding year ending on June 30 should be the basis for computing the tuition.

Your conclusion that the current fiscal year refers to the last completed fiscal year preceding the closing of the school year is also correct.

RICHARD A. FOLEY

Assistant Attorney General

July 28, 1961

To: Kermit S. Nickerson, Deputy Commissioner of Education

Re: Legality of Loan to City of Westbrook of Equipment in the National Industrial Equipment Reserve

This is in answer to your memorandum of July 17, 1961, in relation to the contract for the loan of certain industrial equipment to the City of Westbrook for use in their school system. The "loan" from the federal government has considerable conditions attached to the loan contract and I can find no authority to permit a city to deal directly with the federal government on educational grants-in-aid from the federal government. However, under the Revised Statutes, Chapter 11, Section 15, the Governor and Council may accept equipment from the federal government on behalf of the State. The Governor and Council can further designate an agency of the state to carry out the provisions of any federal law relative to grants-in-aid to the State.