

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

for the calender years

1961 - 1962

Revised Statutes, Chapter 41, Section 136, defines orphan of a veteran as follows:

“Sec. 136. ‘Orphan of veteran,’ defined. For the purposes of administering the provisions of sections 136 to 139, inclusive, an orphan of a veteran shall be defined as a child not under 16 and not over 22 years of age whose father served in the military or naval forces of the United States during World War I, World War II or the Korean Campaign and was killed in action or died from a service connected disability as a result of such service. War orphans, whose fathers entered the service from Maine or who have resided in the state for 5 years immediately preceding application for aid under the provisions of said sections and which children have graduated from high school and are attending a vocational school or an educational institution of collegiate grade, shall be eligible for benefits provided under said sections.”

It is our opinion that the right to state aid vesting in the child of the veteran is not divested by the subsequent marriage of the mother and adoption of the son. The qualifications for the aid are those stated in Section 136, supra, and those qualifications contain no proviso relating to remarriage and subsequent adoption of the war orphan.

RICHARD A. FOLEY

Assistant Attorney General

January 2, 1962

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

Re: Recommendations of applicant for Broker's License

This is in answer to your request for an opinion interpreting the language contained in Revised Statutes of 1954, Chapter 84, Section 2-A, subsection II-C.

Section 2-A, subsection II-C, supra, provides in part:

“. . . If applicant cannot procure such recommendations for the reason that he has not resided within the county for a period of 3 years, he may furnish similar recommendations from 3 persons with like qualifications from any county where the applicant has resided within the 3 years prior to the filing of his application. . .”

I will answer your question by citing an example. An applicant resided in County A during 1959, County B in 1960 and in County C during 1961. In 1962 he applies for a real estate broker's license. The applicant may present the recommendations required of persons resident in any of the counties in which the applicant has resided within the last 3 years prior to filing his application. Thus an application with recommendations from persons in either County A, B or C would be proper.

I would like to point out that the 3 year requirement on recommendations is not a resident requirement. The resident requirement of an applicant is one year as provided in Revised Statutes, Chapter 84, Section 2-A, subsection I-B.

RICHARD A. FOLEY

Assistant Attorney General