

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

for the calender years

1961 - 1962

Waiters, waitresses and car hops whose tips are required to be divided with others are also subject to the minimum wage law.

GEORGE C. WEST

Deputy Attorney General

January 9, 1962

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

Re: Status Under Retirement Law of Certain Commissioned Officers

Reference is made to your memo of December 6, 1961. You are faced with the problem of certain former State employees who have remained in the armed forces since induction or enlistment during World War II. You ask the question whether commissioned officers are entitled to retirement credits since August 28, 1957, being the effective date of Chapter 26, Public Laws of 1957. This chapter reads as follows:

"No such credits shall be allowed to count toward a state retirement benefit beyond the period of first enlistment or induction into the said armed forces unless the individual involved is compelled to continue service under some mandatory provision."

An amendment to the Personnel Law, Chapter 25, Public Laws of 1957, reads substantially the same.

It therefore follows that a person in the Armed Forces is not entitled to retirement credits after August 28, 1957, unless the individual can present conclusive evidence to the Board of Trustees that such individual was "*compelled* to continue service under some mandatory provision" of the Selective Service Act or any extension or amendment thereof.

GEORGE C. WEST

Deputy Attorney General

January 12, 1962

To: Maine Employment Security Commission

Re: Area Redevelopment Act Program

You have submitted a verbal request relative to the present effectiveness of the opinion of December 31, 1956 by James Glynn Frost, Deputy Attorney General, as applied to a new federal program known as the Area Redevelopment Act Program. The Federal Government has asked whether or not the bond of the Treasurer of the State covers funds transmitted to the State by the Federal Government under this Act.

This office confirms the opinion by James Glynn Frost, former Deputy Attorney General, dated December 31, 1956, and advises that this opinion covers the additional funds coming to the State through the new federal program. It is the opinion of this office that the bond of the State Treasurer does cover the funds received under the provisions of the Area Redevelopment Act Program. I