

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

For The Calendar Years

1963 - 1964

You have asked for an interpretation of subsection III, section 79, of Chapter 22, as proposed by the above legislative document. You asked specifically if you may invoke section 77-V B if this bill becomes law.

Subsection III relates to a Maine resident who may be involved in an accident in another state having a financial responsibility law. There is particular concern because some states have a lower damage figure than Maine, and also many states do not have the same discretionary powers possessed by the Secretary of State in section 77-V B.

Subsection III provides that upon certification that the operating privilege of a Maine resident has been suspended or revoked in another state because of failure to file the proper security or proof of financial responsibility "*under circumstances which require the Secretary of State to suspend a nonresident's operating privilege had the accident occurred in this State.*" (emphasis supplied) the Secretary of State shall suspend the license and registration of the Maine resident.

Subsection I of this proposed act provides in part "Sections 75 to 82 shall apply to any person who is not a resident of this State. . ." Therefore, a nonresident involved in an accident in Maine has the protection of the \$100 minimum damage as well as the Secretary of State's discretionary power stated in section 77-V B. It follows from this that a Maine resident has the protection of the \$100 minimum damages of the Maine law as well as the Secretary of State's discretionary power stated in section 77-V B when the Secretary of State is asked to suspend or revoke his license and registration because of suspension or revocation in another State.

GEORGE C. WEST

Deputy Attorney General

March 4, 1963

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

Re: Out-of-State Credits

In your memo of February 26, 1963, you have asked for an abstract interpretation of subsection XII of section 4 of Chapter 63-A of the Revised Statutes. There is no specific case that calls for an interpretation. Consequently, only generalization can be used.

Section 4 relates to creditable service. Subsection XII concerns only out-of-state service and under what conditions it may be used toward creditable service. Paragraph A applies only to "out-of-state service rendered prior to July 1, 1955" and how allowable.

Paragraph B applies to "out-of-state service rendered after July 1, 1955, or rendered prior thereto if not allowed as creditable service under the provisions of paragraph A of this subsection." Therefore, paragraph B can be said to cover persons having out-of-state service who do not qualify under paragraph A.

Whereas paragraph A has more rigid requirements as to length of creditable service in Maine necessary before eligibility for out-of-state service may be considered (so far as the favored teaching profession is concerned) yet payment into the retirement fund is more favorable.

Whereas paragraph B has no requirements as to length of creditable service in Maine yet payment into the retirement fund for out-of-state service is less favorable.

Under paragraph A the favored teachers upon completion of certain creditable service in Maine may obtain certain out-of-state credit by contributing "on the same basis as he would have made contributions had such service been in Maine" i. e., only the member's contribution.

Under paragraph B the employee may have out-of-state credit if he pays into the fund "the actuarial equivalent, at the effective date of his retirement allowance, of the portion of his retirement allowance based on such additional creditable service," i. e., both the employer's and the member's share of his out-of-state service to be allowed. (If the actuarial equivalent is more than the so-called state's share plus member's share, he must pay that figure. The same is true if the actuarial equivalent should be less than the total of the two shares. In either event, he pays the "actuarial equivalent.")

GEORGE C. WEST

Deputy Attorney General

March 7, 1963

To: Wallace E. Brown, Deputy Secretary of State

Re: Interpretation of R. S., Chapter 22, section 77, V, F

You ask whether a person transporting cargo, who has liability coverage but does not have cargo insurance, and who negligently damages the cargo, is exempted from the provisions of the Financial Responsibility Law.

The answer is yes. All that the law requires of a vehicle owner is that he have in effect at the time of the accident a liability policy. In your case the owner had property damage coverage which would apply to the property damaged.

LEON V. WALKER, JR.

Assistant Attorney General

March 8, 1963

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

Re: Chapter 63-A, R. S. as amended, Section 6, subsection IV

We are in receipt of your request for an opinion based on the following facts, as they have been submitted to us by your Department.

"A member of the State Police who has had, up to now, a total of approximately 18 years of service in that Department and who also had some 8 years of service as a guard at the Maine State Prison prior to his affiliation with the Maine State Police Department is now asking as to whether or not he can qualify for the half pay retirement benefit provided for in Chapter 63-A, § 6 IV, R. S. 1954, as amended."