

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

For The Calendar Years

1963 - 1964

deceased member under 18 years of age . . . shall be paid \$75 a month, commencing the first month after such death occurs and continuing during his lifetime for such time as such children or progeny are in his care and he has not remarried."

This can only mean one thing — the widow or widower who has the care of unmarried children of the deceased employee under 18 years of age is to have \$75 per month as reimbursement for such care.

The pertinent provisions of (c) read:

"The unmarried child or children under 18 years, . . . shall receive benefits as follows:

"One child shall be paid \$75 a month.

"Two children shall be paid \$100 per month, which shall be divided equally between them.

"Three children or more shall be paid \$125 per month, which shall be divided equally among them."

It follows from this that payments beyond \$75 a month to the widow are payments to the children.

Specifically, the question asked by the Veterans Administration says:

"*Child Care* Benefits are payable to Eligible Beneficiaries as follows:

A. Widow or Widower

caring for 1 child	\$150
caring for 2 children	175
caring for 3 or more children	200"

Actually, only \$75 per month of the amounts listed in the question are payments to the widow or widower. The remaining amounts are payments to the child or children.

Although this is not a part of the question asked, it might be well to anticipate and save another opinion. There are two circumstances under which a widow is entitled to payments in her own right.

1. If the deceased member had 17½ years of creditable service at the time of his death.
2. If the widow attains age 60 and is not remarried.

GEORGE C. WEST

Deputy Attorney General

April 24, 1963

To: David Garceau, Commissioner of Banks and Banking

Re: Deposits in Industrial Banks

This memo may be considered as a supplement to my opinion of September 11, 1962. In a letter dated March 22, 1963, to Claude C. Phillippe, Supervising Examiner, Federal Deposit Insurance Corporation, the following was stated:

"I note that on page 2 of my opinion in the second paragraph I stated, 'The conclusion must be that the legislative intent was to deny the right to 'receive deposits,' as such, to industrial banks unless there is some other wording that means the same thing.'

"The next sentence at the beginning of the next paragraph says, 'This office cannot find any.' I now realize that from the point of view of your Legal Division that this statement is much broader than I intended it when I wrote it.

"The actual intent of what I said is made more clear by the last two sentences of the opinion which say, 'They may sell certificates of deposit or indebtedness but may not accept savings deposits as commonly known to the general public. Certificates of deposits sold by industrial banks cannot recite characteristics which would indicate an intention to create savings deposits.'

"My opinion was not intended in any way to indicate that industrial banks could not accept 'deposits' but only to indicate that such banks could not accept 'savings deposits' as such deposits are commonly known to the general public."

It is hoped that the above will clarify the situation relative to power of industrial banks to accept "deposits."

GEORGE C. WEST

Deputy Attorney General

May 8, 1963

To: Honorable Robert A. Marden
President of the Senate
State House
Augusta, Maine

Dear Bob:

With respect to the proposed Sunday Closing Law, L. D. 1364 and its proposed committee amendment, you have asked the question:

"If a store, such as LaVerdiere's Drug Store, has less than 5,000 square feet . . . and less than five employees for the sale of general merchandise, is their status in any way affected by the fact that there are additional employees devoting their time to the dispensing of prescriptions, etc., in connection with the exempted status of the store on Sunday as a drug store? In other words, do the druggist and pharmacist dispensing medicine on Sunday count as employees for the purpose of determining the total number of employees of the store under the provisions of the MacGregor Bill?"

The question(s) call for several answers.

1. If *any* store has less than 5,000 square feet of floor space, according to the proposed bill and amendment, it is a store exempt from the provisions of the law requiring closure on the Lord's Day and certain holidays.

The specific words are: "This section shall not apply to: . . . ; stores which have no more than 5,000 square feet of interior floor space, excluding storage space and space for displays and exhibits."

2. It matters not how many persons are employed in the store if the floor space is less than 5,000 square feet, according to the amendment.

The converse also would apply.

If a store exceeded the limit of square footage under the bill but employed 5 persons or less, it also would be exempt.