

# MAINE STATE LEGISLATURE

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# STATE OF MAINE

Inter-Departmental Memorandum Date February 10, 1976

To Staff Members

Dept. Attorney General

From Martin L. Wilk, Deputy *Wilk*

Dept. " "

Subject Resume of Opinions from December 4, 1975 to January 19, 1976

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1. December 4, 1975

The legislature has mandated that there be a Director of the Bureau of Mental Retardation and the current vacancy in that position must be filled in accordance with the Personnel Law and Rules. Pending a regular appointment to the position under the Rules, the Commissioner of the Department of Mental Health and Corrections should fill the position through an emergency or provisional appointment or through a combination thereof.

2. December 11, 1975

School buses must provide a minimum of 13 inches of seating space per child who is actually being transported on the school bus.

3. December 16, 1975.

The Director of the Property Tax Division of the Bureau of Taxation has received several inquiries as to whether written instruments conveying easements are subject to the real estate transfer tax and to the requirement of the real estate transfer tax law for a declaration of value form to accompany the recording of a deed.

4. December 19, 1975

Under the War Orphans and Widows Act (37 M.R.S.A. c. 2, sub-CIII), an orphan, who was unable to enter and obtain benefits under the program for higher education before age 21 because engaged in service in the Armed Forces, and who entered the program when not over 25 years of age, as allowed by § 50-J of that Act, was entitled to benefits to be computed from that date, and not from the date he first entered college prior to the age of 21 and prior to the date he became eligible for benefits as an orphan.

5. December 24, 1975.

The Department of Mental Health and Corrections may require, as a condition to the provision of monies to non-stock corporations, that each recipient furnish to the Department a list of all employees and their respective salaries. This information would be available to public inspection pursuant to 1 M.R.S.A. § 405.

6. January 19, 1976

The local use of Federal revenue-sharing funds for capital expenditures related to educational facilities would not contravene the provisions of the School Finance Act of 1975.

MLW/mf