MAINE STATE LEGISLATURE

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Opinion Number	Synopsis
85-1	Pursuant to 3 M.R.S.A. § 162-B, it was within the discretion of the Legislative Council to increase the salaries of two constitutional officers, the Secretary of State and the State Treasurer, by one step for each year in which they had been in office. (Jan. 7, 1985) (Howard)
85-2	A regional planning commission, formed pursuant to the Regional Planning Commission Act, 30 M.R.S.A. § 4501 et seq., has no legal authority to form a subsidiary corporation to perform any act which it could not perform itself, and since a commission is limited by statute to purely advisory functions, it cannot form a corporation to engage in the sale of goods or services. (Jan. 8, 1985) (Sample)
85-3	Members of the State Claims Board may receive compensation and reimbursement of expenses for holding pre-hearing conferences and for time spent researching and preparing the formal decisions of the Board as required by law. (Jan. 7, 1985) (Stokes)
85-4	Consistent with Article IX, section 19 of the Maine Constitution, moneys in the General Highway Fund may be used for the construction of special highway lanes for buses and commuter parking lots adjacent to highways but they may not be used to purchase public transportation equipment, construct or purchase public transportation stations, or fund the operation and administration of public transportation systems. (Jan. 18, 1985) (Stokes)
85-5	The person appointed by the Governor, pursuant to Article VI, section 6, and Article IX, section 10, of the Maine Constitution, to fill a vacancy in the office of Sheriff holds office until the first day of January after the next biennial election in November. (Feb. 6, 1985) (Stokes)
85-6	A member of the Maine Committee on Aging, who is appointed for an initial term, is eligible for for two more consecutive terms, pursuant to 22 M.R.S.A. § 5109. (Mar. 5, 1985) (Howard)

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85-7 A member of the Land Use Regulation Commission would not violate 5 M.R.S.A. § 18 by participating in a pending application for a hydro- electric dam permit because of past business relations with the company or because of his non-dependent son's current business relations with the company. (Mar. 12, 1985) (Howard)

85-8 The State's trust obligations to Baxter State Park require that interest earned on the Operating Account of the Baxter State Park Authority be credited to the Park rather than to the General Fund. (Mar. 14, 1985) (Brown)

85-9 The statutory formula for the calculation of good time deductions, pursuant to 17-A M.R.S.A. § 1253(3), for inmates sentenced prior to May 1, 1976, the effective date of the Maine Criminal Code, is unconstitutional, constituting a prohibited exercise by the Legislature of the power of commutation belonging exclusively to the Governor. Me.Const., art. V, pt. 1, § 11. If 17-A M.R.S.A. § 1253(4) and (5), which provide for the extra meritorious good time deductions, were applied retrospectively these provisions similarly would be unconstitutional, and therefore they should be construed to be prospective only, thereby avoiding an unconstitutional interpretation. (Mar. 12, 1985) (Leadbetter)

85-10 A bill that would deny state educational aid to persons enrolled in post-secondary educational programs who refuse to register for the draft is not unconstitutional on the grounds that it is pre-empted by federal law, or violates the constitutional right against self-incrimination, or the constitutional right to due process, equal protection, or freedom of religion. (Mar. 21, 1985) (Howard)

85-11 The Maine Wage Assurance Fund, 26 M.R.S.A. § 632, does not require payment of claims filed by former employees of bankrupt corporations where such claims are based solely on unpaid vacation time, severance pay, or retirement pay because such benefits are not included within the meaning of "wages" in the statute. (Apr. 12, 1985) (Robbin)

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85-12   Minimum ordinary death benefits under 4 M.R.S.A.
         § 1355-A are only available to the spouse or children
         of those judges who were in service prior to
         December 1, 1984 and who die in active service as
         judges, but not as active retired judges, and the Maine
         Judicial Retirement Law, 4 M.R.S.A. §§ 1201-1406, has
         not resulted in an unconstitutional diminution of
         judicial compensation. (May 14, 1985) (Stokes)

85-13   The action by a State reducing the territory of one of
         its political subdivisions, in this case a county, does
         not necessarily unconstitutionally impair the
         contractual obligations to bond holders of that
         subdivision. (May 23, 1985) (Howard)

85-14   Although the Commissioner of the Department of Mental
         Health and Mental Retardation may have the authority to
         permit the use by a non-profit corporation of the
         unused portion of a state building committed to his
         jurisdiction, pursuant to 34-B M.R.S.A. § 1203(1), he
         may not provide free utility services to the
         organization using that building. (June 18, 1985)
         (Howard)

85-15   The Chairman of the State Board of Assessment Review is
         entitled to compensation and reimbursement of expenses
         for meetings with the Secretary of the Board in
         connection with the ongoing administration of the Board
         pursuant to 5 M.R.S.A. §§ 12001-A, 12002-B. (Sept. 9,
         1985) (Stokes)

85-16   Because the filing of the resolution by the Penobscot
         Nation on August 21, 1985 did not occur within 60 days
         of the Legislature's adjournment as required by P.L.
         1985, ch. 69, § 2, that law, "An Act Relating to the
         Time of Penobscot National Trust Land Acquisition," did
         not become effective. (Sept. 9, 1985) (Stokes)

85-17   The Governor may not exercise his authority to appoint
         a replacement county treasurer, pursuant to 30 M.R.S.A.
         § 601, unless and until a vacancy in that office
         exists, either by resignation, death, removal, or
         otherwise, and the Board of County Commissioners does
         have the authority to prevent the appointment of a
         Deputy Treasurer pursuant to 30 M.R.S.A. § 651, who
         does not meet its approval. (Sept. 16, 1985) (Stokes)