

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

NOVEMBER 30, 1914.

WATERVILLE
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1915

HIGHWAYS.—RECISION BY TOWN OF VOTE TO
APPROPRIATE AFTER HIGHWAY COMMISSION
HAS APPORTIONED STATE'S MONEY.

13th May, 1914.

*Paul D. Sargent, Chief Engineer, State Highway Commission,
Augusta, Maine.*

DEAR SIR: Your favor of the 1st inst., relating to the appropriation for state aid in the town of Lebanon was duly received.

The facts appear to be these: That at the March meeting the town of Lebanon appropriated the regular amount for State aid of \$533, under Section 19 of the highway law; that on the 24th day of April, the highway commission apportioned to the town of Lebanon under Section 21, an equal amount, namely, \$533; on the 25th day of April, the town of Lebanon at a special town meeting undertook to rescind the vote passed at the regular town meeting in March appropriating the above named sum. The question is whether or not the town could rescind the vote after the state highway commission had apportioned the state's share of the state aid fund.

I think not. At least as soon as the highway commission had apportioned under Section 21 the state's money, the two become a joint fund to be expended by the state highway commission and the town became liable to be called on for it under Section 25. Whether the town could reconsider the vote before the state had acted in appropriating the state's funds, it is not necessary to decide. It appears in this case, that they did not and I think the rights of the state have intervened and the town has become liable to be called on for the appropriation.

Very sincerely,

SCOTT WILSON,

Attorney General.