

MAINE STATE LEGISLATURE

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January 12, 1932

To Honorable Frank P. Washburn, Commissioner of Agriculture
Re: Out-of-State Exhibitors

You inquire "as to whether or not, under our law, it is allowable for Agricultural Societies to pay premiums to exhibitors from outside the state."

I regret that I cannot, without further investigation, give you a definite answer to your inquiry. I do not find any decision of our Court relative thereto, and the statute which provides for State Aid to Agricultural Societies does not contain any provision concerning the matter.

Section 28 of Chapter 39, Revised Statutes, provides:

"Every society receiving the bounty of the state shall expend an equal amount each year in premiums and gratuities for the improvement and encouragement of agriculture, horticulture, or the mechanic arts, unless the commissioner of agriculture directs for what purposes a sum not exceeding half of such bounty shall be expended; and then it shall be expended accordingly."

It might be argued that the requirements of this section refer to the encouragement of agriculture in Maine; that the statute did not intend that any encouragement or assistance to agriculture should be granted to persons of any other state or country.

On the other hand, it might be claimed that it is for the benefit of agriculture in Maine to have outsiders come in with their displays and exhibits and demonstrate what is being accomplished in their jurisdictions, thereby making it possible for Maine agriculturists to compare the results of outside production and management with theirs, and possibly discover methods which might be helpful in the further development and improvement of agriculture.

In the absence of any direct provision of our statutes the matter is not free from doubt, and it is impossible to determine what the court might hold regarding the construction of the statute.

I would suggest that it might be advisable for the next legislature to enact such legislation as will make certain the meaning of Sections 25 to 29, inclusive, of Chapter 39 of the Revised Statutes in relation to the question you ask.

Sanford L. Fogg
Deputy Attorney General