

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA

June 14, 1935

Hon. Harold B. Emery
Linington, Maine

Dear Sir:

I have given a great deal of study and thought to the matter relating to Fred C. Small, and have arrived at the conclusion that the town may not legally pay Mr. Small the amounts mentioned in Articles 37 and 38 of the Warrant of the Annual Meeting on March 11, 1935.

Our Courts have held that a town may lawfully appropriate money only for purposes specifically enumerated in the statutes. From a careful reading of the statutes I am unable to find any provision whereby reimbursement for the tax money, as in this particular case, may be lawfully voted.

There are several points in the case which have never been decided by the Law Court of the State of Maine, and if Mr. Small feels aggrieved at my construction of the law, I would suggest that he commence a friendly action against the town to recover the money. The facts apparently are not in dispute and the matter could be taken to the Law Court on report. The expense would be very little.

Very sincerely yours,

Attorney General

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