

MAINE STATE LEGISLATURE

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August 21, 1937

Honorable Lewis O. Barrows
Governor of Maine
State House
Augusta

Dear Governor Barrows:

You ask my opinion, first, as to whether or not our old age assistance plan remains in full force and effect despite the people's rejection of Chapter 242, Public Laws of 1937, second, whether or not State funds appropriated by the supplementary appropriation act of April 24, 1937, are now legally available and may now be used legally to make old age assistance payments for the first half of August.

The plan established by Order of the Governor and Council on December 27, 1935, for old age assistance payments under which we have been operating since that date, is now still in effect and will remain, in my opinion, in effect until the Order is revoked by the present Governor and Council.

Under the provisions of Chapter 1 of the Private and Special Acts of 1937, passed as an emergency measure, a tax of 10 per cent was imposed on the sale price of all spiritous and vinous liquors sold in the State between January 15, 1937, and June 30, 1937, and the amount collected was appropriated to provide for old age assistance from January 1, 1937, to June 30, 1937, in accordance with the provisions of the Social Security Act, to be administered by the Department of Health and Welfare in accordance with the plan established by the Order of the Governor and Council on December 27, 1935, hereinbefore referred to.

Payments under this Act expired June 30, 1937, but prior to adjournment of the 1937 session of the Legislature, a provision was placed in the supplemental appropriation act which became Chapter 104 of the Private and Special Laws of 1937, appropriating a sum not exceeding \$50,000 a month from the general funds of the treasury for the continuance of the payments heretofore approved

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for old age assistance cases together with the cost of administration thereof, until such time as the bill for providing for old age assistance and educational equalization, as passed by the 88th Legislature, has become effective under the provisions of the Constitution, or has been rejected by referendum vote of the people.

The Act last referred to was Chapter 242 of the Public Laws of 1937, which was voted on last Monday August 16th, in a State-wide referendum. Unofficial tabulations indicate that the people of the State rejected this Act by a wide margin. Returns from all the cities and towns have not yet been received and the vote has not yet been tabulated by the Governor and Council and the official result announced.

Up to the time when the official returns of votes on the referendum have been received and it is possible for the Governor and Council to meet and canvass the returns and officially declare the result of the referendum vote, the sum of \$50,000 a month, or as much thereof as may be needed, is now legally available and may be used legally to make payments for old age assistance.

Respectfully,

Franz U. Burkett
Attorney General

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