

MAINE STATE LEGISLATURE

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December 23, 1942

Frank I. Cowan, Attorney General

Harry O. Page, Commissioner
Department of Health & Welfare

Public Laws of 1941, Chapter 91 (the Food Stamp Act), provides for a revolving fund of \$100,000 to take care of the financing of food stamps and includes the following language:

"It being further understood that this fund shall be used solely for the purpose of purchasing United States government food stamps to be resold to the cities and towns of Maine participating in the so-called Food Stamp Plan."

The Department of Health & Welfare, I am informed, was subjected to pressure from Washington to try the experiment of making direct cash sales to the beneficiaries in order to save the towns and cities from the necessity of setting up for themselves revolving funds and to save the extensive bookkeeping expense to the cities and towns. The experiment was tried, so I am informed, and proved eminently successful and it is my understanding that the Department of Health & Welfare wishes to continue with that plan. 247 towns and cities are still following the original Act of the Legislature, as strictly construed.

The Legislature will be convening within a few days and it is my understanding that a bill will be introduced and the Legislature will be asked to amend the Act so that there can be no question about the legality of direct cash sales from the Department of Health and Welfare to the beneficiaries. In the meantime, the question of legality can be answered sufficiently from a practical viewpoint by having the cities and towns into which sales are being made directly, authorize the Department of Health & Welfare to accept payment from the beneficiaries in the name of the city or town and issue stamps through the State Treasurer directly

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to the beneficiary, charging each such issue to the individual payment received from the city or town through the beneficiary. It is my understanding that, in the case of direct sales, the cities and towns certify that certain named persons are entitled to the benefits of the law and the certificate gives the amount to which that person is entitled to the benefit, and when advance payment is received direct from the hand of the beneficiary, it is checked to ascertain whether or not he is entitled to stamps and if he is not so entitled, sale is refused in that particular case.

I recommend that no further extension of the so-called "direct sale system" shall be used without express legislative sanction, due to the possibility that the towns and cities may not have legal authority to delegate authority as above outlined.

Attorney General

FIG:gh
CC: Governor Sewall
State Auditor
Deputy Treasurer