

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1943--1944

February 25, 1944

J. J. Allen, Controller

Subject: Chapter 67, Resolves of 1943

I have your memo of February 23rd calling attention to apparent errors. A personal examination of the original documents in the office of the Secretary of State shows that the copy appearing in the bound volume corresponds to the original. Therefore it becomes necessary to determine what was the intent of the legislature.

1. Obviously the 1943 legislature was not re-enacting a Road Resolve for the fiscal year ending June 30, 1943, inasmuch as the act would not take effect until July 9, 1943. Moreover, the date-lines on the heads of the columns carefully designate the appropriations for the first year as for "1943-1944" and for the second year as "1944-1945." We are therefore justified in saying that the meaning of the legislature is to be found in the column headings and not in the first paragraph and that said paragraph was intended to read "1944" and "1945."

2. In regard to the town of North Kennebunkport, I find that the original Resolve presented to the legislature provided for \$1,000. to repair the mountain road, payable in two parts, \$500. for the year 1943-1944, and \$500. for the year 1944-1945. The legislature granted \$900., a reduction of \$100. and set it up solely for the year 1943-1944. The obvious conclusion from this is that the committee decided that \$900. expended in one year would accomplish as much for the town as \$1,000. spread over two years, and made the appropriation solely for the year 1943-1944.

3. In regard to the carrying forward of the North Kennebunkport appropriation, please note R. S. Chapter 2, Section 118, which provides: "All appropriations . . . for the construction of buildings, highways, and bridges shall constitute continuous carrying accounts . . . and the state auditor is hereby authorized to carry forward all such appropriations to the succeeding fiscal year; provided, however, that the construction shall have been begun . . . etc." It is therefore perfectly proper to carry forward the North Kennebunkport Resolve, providing something has been done.

4. An examination of the records in regard to the town of Perham shows that the original request was for \$600. \$200. was granted for the year 1943-1944. The original documents in the Secretary of State's office show \$10. set up for the year 1944-1945 and that somebody added two ciphers to the \$10. with a red pencil. It is as logical to assume that the figure under consideration was \$1,000. for the year 1944-1945 as to conclude that it was \$100. and certainly the only figures we have are \$10. and \$1,000. It is only by applying our imagination that we can conclude, after examination of the written documents, that the sum of \$100. was intended. The final printed copy of the bill which was signed by the Speaker of the House, the President of the Senate, and by the Governor, contain the figures 10. The necessary conclusion must be that \$10. was appropriated for the town of Perham for the year 1944-1945.

FRANK I. COWAN

Attorney-General