

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1945-1946**

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The applicant American Railway Express Company would be entitled to zone privilege number plates for trucks rated as to carrying capacity of 3 tons or less under these provisions, if New Hampshire grants similar privileges to residents of this State.

ABRAHAM BREITBARD  
Deputy Attorney General

February 28, 1945

To William O. Bailey, Department of Education

Referring to your memo of February 14, 1945, relating to funds received from the Federal Works Agency pertaining to the allocation of Lanham Act funds to the Town of Kittery, I will say that my ruling of February 26th, addressed to Commissioner Gilson, was based on the fact that the Town of Kittery had received only \$13,262 in lieu of taxes under the Lanham Act. It was called to my attention this morning that payments in lieu of taxes by the FPH to the Town of Kittery, received in 1943, which is credited for the year 1944, as found on page 19 of the town report of Kittery, amounted to \$34,942.92. 38% of this amount was allocated to common schools, which amounted to \$13,261.73, which is the amount that you deducted under Item 14 of your minimum school program.

I note from the work-sheet on the Equalization Fund subsidy for December, 1944, that the total cost of the minimum school program was \$56,592. Under deductions you have proceeds of 13-mill tax, State valuation, \$34,056. Under Item 11, deduction, State school allocation, \$9,886, and subsidies for special courses, \$800. Under Item 14, Lanham Act funds in lieu of taxes, you have \$13,262, making a total deduction of \$59,004 that the Town of Kittery has received, \$1412 more than the total cost of the minimum program.

Therefore I am revoking my opinion of February 26th, based on total receipts of \$13,262, and ruling that the Town of Kittery is not entitled to receive any funds from the Department of Education under the Equalization Law.

RALPH W. FARRIS  
Attorney General

March 6, 1945

To Earle R. Hayes, Secretary, Employees' Retirement System

I have your memo of March 6th relating to the University of Maine, in case L. D. 70 and L. D. 545, now pending before the legislature, become law.

Your questions were based upon the assumption that L. D. 70 will become law, thereby establishing the University of Maine as "an instrumentality and agency of the state," and upon the further assumption that L. D. 545 will be enacted into law, which bill provides that "all off-