

MAINE STATE LEGISLATURE

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February 14, 1946

To J. J. Allen, Controller

Subject: Agricultural Societies

I have your memo of February 4th in which you state that the provisions of Chapter 361, P. L. 1945, are:

"There shall be appropriated annually from the State Treasury a sum of money not to exceed 2¢ per inhabitant of the State and an additional sum of money equal to 5% of the amount contributed under the provisions of section 16 of chapter 77, which shall be known as the State stipend for aid and encouragement to agricultural societies and hereafter designated as the stipend."

Section 16 of Chapter 77, above referred to, provides for the State revenue of 3 1/2% of the total contributions to all pari-mutuel pools.

You further state: "On page 105 of the Final Budget Report submitted to the 92nd Legislature, there is the following footnote. 'Increase over budget recommendation reflects new legislation providing that 5% of the revenues from pari-mutuel betting be added to the State stipend to Agricultural Societies.' The increase over the budget recommendation as shown on this same page is \$5,000."

Your question is: "In paying the stipend to the Agricultural Associations, are we limited to \$5,000 or may we pay 5% of the 3 1/2% commission on pari-mutuel pools received by the State for the full racing season ended last fall? 5% of the State commission on pari-mutuel pools would be approximately \$8,1000."

I recall our discussion in this matter in my office, and it is my opinion that you are limited to \$5,000. It seems to me that the computation should be on a fiscal year basis, and you will not be in a position to compute on pari-mutuel pools until July 1, 1946, as this 1945 statute did not take effect until July 21, 1945, after the close of the fiscal year of 1944-45.

You will note that the 1945 act provides that there shall be appropriated "annually from the State Treasury, etc." It seems to me that the legislature has already appropriated \$5,000 annually for the next two fiscal years. I cannot see where you would have any basis for computation under the 1945 act, and it is my suggestion that this act should be clarified by the next legislature.

Ralph W. Farris
Attorney General

RWF:c

Verified by opinion of January 10, 1947