

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1945-1946

MAINE STATE
LIBRARY

Doubt has arisen as to the time of payment of the subsidies provided under this act, because at the same session by Chapter 350, Section 24, it was provided:

“Apportionments to be made in December. All apportionments to cities and towns under the provisions of this chapter shall be made annually in December.”

This amendment becomes Section 211-A of Chapter 37 and the act first referred to becomes a part of the same chapter. The question is then whether the latter is applicable to the payment of the subsidies provided in the former act.

If it was so determined, the appropriation, it is said, would lapse after the end of this fiscal year unless it was paid before the close thereof.

I am of the opinion that Section 211-A is not applicable to this act. Under this act there was created “a division of special education” within the department of education. In section 180-D it is provided:

“The excess cost shall be paid to local districts under the direction of the division of special education.”

Payment is to be approved by the Commissioner of Education. Section 180-G. The payment is to be computed on a school year. Section 180-D.

In view of these provisions I believe that payment may be made when the division of special education so directs, subject to the approval of the Commissioner, and such subsidies may thus be made on or before June 30, for the fiscal year ending in 1946.

ABRAHAM BREITBARD
Deputy Attorney General

February 27, 1946

To John C. Burnham, Administrative Assistant, SHC

Answering your memo of the 25th of February, it is our opinion on the facts set out therein that a permit may be granted to the operator under the provisions of Chapter 217, P. L. 1945.

This act does not confine the issuance of permits to the owner of the vehicle. Thus it may be issued to the lessee, operating the vehicle.

This is confirmed by Section 93 of Chapter 19, which provides that highway officials may require a bond from the owner or operator to indemnify the State or the municipality for damage to any way or bridge by the vehicle under permit.

ABARAHAM BREITBARD
Deputy Attorney General