

# MAINE STATE LEGISLATURE

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May 3, 1946

To Hon. A. K. Gardner  
Commissioner of Agriculture

Your letter of May 1st at hand, concerning your problem which relates to the administration of Section 127-F of Chapter 153, P. L. 1945, and you ask for a ruling from this office.

As you state in your letter, Section 127-F has to do with the appropriation provided for in the act creating the Seed Potato Board, which defines its powers and duties. This was passed by the Legislature of 1945 as an emergency measure and became effective April 5, 1945, when signed by the Governor. The legislature in this act appropriated from the unappropriated surplus of the General Fund the sum of \$100,000, to be made available to the said Seed Potato Board, said appropriation to constitute an annual revolving fund for the use of the Board in carrying out the purposes of the act. There is, however, a proviso at the end of this appropriation section which reads:

"Provided, however, that from funds arising from the sale of seed potatoes under this program said seed potato board shall cause to be paid into the state treasury annually a sum which shall, in 10 years, equal the amount of said \$100,000 appropriation; and in any year when said board cannot, from the sale of said seed potatoes, pay said amount in full, then the state treasury shall be reimbursed as to the balance of said amount by money taken from, but not larger than 10% of, the total tax collected under the provisions of sections 206 to 217, inclusive, of chapter 14, commonly known as the potato tax."

You state in your letter that the Seed Potato Board will have no income arising from the sale of seed potatoes until the fiscal year ending June 30, 1947, and you therefore feel that the sums of money to be paid back under the provisions of Section 127-F would not have to be paid back until the fiscal year beginning July 1, 1946.

In view of this fact, it is my opinion that that would be a reasonable interpretation of the statute; that the legislature did not intend that the Seed Potato Board should pay into the State Treasury \$10,000 until the year when the said Board would receive this amount or more from the sale of said seed potatoes. I feel that it would be reasonable to take the fiscal year beginning July 1, 1946, as the basis of making these payments to the State Treasurer.

Ralph W Farris  
Attorney General

RWF:c