STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1945-1946

and the question is whether the company dealer should pay for said milk at the producer price prevailing at Wiscasset or the producer price of the Rockland area, which is higher. The company dealer contends that the delivery of the milk is made at the dealer's premises located in Wiscasset. The fact, however, is that the dealer has no premises located in Wiscasset, nor is he a dealer in that area.

I am of the opinion that the computation should be made on the price fixed in the Rockland area, in view of the prohibition contained in subsection 6 of Section 4 of Chapter 28 of the Revised Statutes of 1944, in the 5th paragraph thereof, which forbids a dealer, store, or other person handling milk in such market to buy or offer to buy, sell or offer to sell milk for prices less than the scheduled minimum applicable to the particular transaction in such market. The retail dispenser to whom I have referred in the above as dealer, as aforesaid, handles the milk in the Rockland area, where his business is located. This section thus prohibits him from buying milk at a price less than the scheduled minimum in that market.

I therefore advise you that computations on these transactions are to be based upon the prices established by the Board for the Rockland area.

ABRAHAM BREITBARD
Deputy Attorney General

June 24, 1946

To H. H. Harris, Acting Controller
Re: Executive Council

I have your memo of June 29th requesting me to advise your office as to the rate of compensation which members of the Executive Council are entitled to receive while in session during special legislative sessions, and calling my attention to Section 3 of Chapter 11, R. S. 1944, which provides:

> "Members of the executive council shall receive the same compensation and travel as a representative to the legislature, for services as a councillor during the session of the council commencing in January and closing immediately after the adjournment of the legislature and for services at other sessions of the council each member shall receive $20 for each session and actual expenses, etc."

In answer to your question I call your attention to the fact that the provision for the same compensation as a Representative to the legislature applies only during the session commencing in January and closing immediately after adjournment of the legislature, and does not apply to special sessions of the legislature.

Section 2 of Chapter 9, R. S. 1944, was amended by Chapter 362, P. L. 1945, which provides that each member of the legislature shall be paid $10 for every day's attendance at a special session. This will be found in Section 3 of Chapter 362 aforesaid, but it has no application to Section

3 of Chapter 11, R. S. 1944, so as to relate to the Executive Council. It is my opinion that the Council should receive $20 for each session of the Council during the special session of the legislature.

In the last paragraph of your memo, you state that you are not certain what should be considered as a session of the Executive Council. It is my opinion that each daily meeting of the Executive Council constitutes a session, whether during a special session of the legislature or at any other time.

RALPH W. FARRIS
Attorney General

June 24, 1946

To R. C. Mudge, Finance Commissioner, and
H. H. Harris, Acting Controller
Re: Permanent Funds Held in Trust by the State of Maine

Referring to your memo of May 22, 1946, to which you attached a copy of your proposed reply to the Controller's request for certain answers in connection with the treatment of permanent funds held in trust by the State, and supplementing conference in my office with you and Mr. Robinson on this matter, I am submitting a joint memo of my opinion to you and Mr. Harris.

1) Under Section 14, Chapter 15, as amended, is it compulsory that all of these miscellaneous trusts be lumped for investment?

My answer is in the negative, as I construe the amendment, which is Chapter 87, P. L. 1945, to be permissive and not mandatory.

2) If all of these are lumped, is it mandatory that the interest be prorated?

My answer to the second question is in the affirmative, because if you lump these investments, you come within the provisions of the amendment, and they should be prorated according to the principal amounts of the several trusts involved. This answer is based upon the assumption that all the trust funds are lumped.

3) If you do prorate the interest, should it be prorated on the principal of the trusts less any impounded accounts?

My answer to the third question is in the negative, as the amendment provides that the earnings of the investments shall be prorated, according to the principal amounts of the several trusts; and the amendment further provides that the identity of each separate trust fund shall be maintained. I am of the opinion that you should not take inactive impounded trust funds and rob the interest-bearing trust funds of their income and add it to the inactive, worthless accounts; but that these impounded accounts should be marked off, upon authorization by the legislature.