

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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July 8, 1946

To David H. Stevens, State Assessor

I received your memo of June 26th, enclosing a copy of a letter which you had received from the Colonial Beacon Oil Company and also a copy of a ruling from former Attorney General F. U. Burkett, dated October 25, 1939, relating to this subject matter.

After reading the copy of the letter from the Colonial Beacon Oil Company and the copy of the letter from former Attorney General Burkett, and upon examination of the statute and amendments thereto, I agree with Attorney General Burkett's letter that there is no tax exemption statute in regard to this matter.

RALPH W. FARRIS
Attorney General

July 13, 1946

To Wallace C. Philoon, Administrative Assistant, Executive Department

Receipt is acknowledged of your memorandum of July 11, concerning "The National School Lunch Act," and the file attached thereto.

I can see no harm in inquiring from the Secretary of Agriculture whether that department will not undertake to administer the program until an appropriation is made by our legislature to take care of the staff or personnel necessary to administer the fund.

From a reading of the Bill, it would appear that the policy of the Congress was to impose upon the States the costs of the administration of the program. I have confirmed this with the Commissioner of Education, who attended the conference in Washington and who informs me that that was the deliberate intent of Congress. Hence, where the State Educational Agency had no legal authority and the staff to administer the School Luncheon Program, it was provided that the administration thereof may be conducted by such agency as the Governor shall designate.

Under Section 14 of Chapter 12, there is sufficient authority for the acceptance of these Federal funds and the administering thereof with the consent of the Governor and Council, and under this statute I am of the opinion that where the Department has no available funds in its appropriation for the costs of administering thereof, the Governor and Council may provide such funds by transfer from the contingent funds.

In answer to your second question, it is not my understanding that the costs of administering the fund are matched by the Government or vice versa. It would seem that the entire cost of that is imposed on the State. "Nonfood assistance" under Section 11, Subsection 4, "means equipment used on school premises in storing, preparing or serving food for school children." I am informed by the Commissioner of Education that prior to this act, Public Law 396, the distribution was made by the Production and Marketing Administration of the Department of Agriculture to the