

MAINE STATE LEGISLATURE

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January 24, 1947

To the Honorable Horace Hildreth and the Executive Councillors:

Referring to Council Order emanating from the Forestry Department, which was tabled on January 15th on motion of Councillor Emery and which provides for the transfer of \$166.08 from the Contingent Fund to make up the deficit in order to complete the award of first, second and third prizes under a gift from Benjamin C. Jordan of Alfred, Maine, of \$1000, which was accepted by the 74th Legislature by Chapter 67 of the Resolves of 1909, providing that the conditions of said gift were to be carried out by the State Forest Commissioner:-

Subsequently, the 84th Legislature, by Chapter 157 of the Resolves of 1929, modified the conditions of the gift, which modification was approved by all the heirs of the said donor. The time of the contest was made to read once in five years and the prizes as, First prize, \$125; second prize, \$75; third prize, \$50, as outlined in said Council Order.

According to the Council Order, the last award under the condition of this gift was requested on February 10, 1943, for the period ending December 31, 1941. According to the statement of facts in said Council Order upon which you ask an opinion, the Jordan Forestry Fund shows only \$83.92 in accrued interest, I presume for the period ending December 31, 1946.

It is apparent that the legislature passed Chapter 157 of the Resolves of 1929 on the assumption that \$1000 would produce \$250 at the rate of 5% in five years. Now that conditions have changed so that it has earned only \$83.92 during the past five years, it seems that this investment should be checked and invested to produce at a higher rate of interest, or the present legislature should pass another resolve modifying the conditions of said gift so that the Governor and Council will not be obliged to make up the deficit from the Contingent Fund, which was not the intent of the donor nor of the 84th Legislature when the conditions of this gift were modified by said Resolve in 1929.

If these prizes have been awarded by the Forestry Department, the State of Maine is in duty bound to carry through its contract with the persons named in the Council Order. I would suggest that the Forest Commissioner present a Resolve to the present Legislature asking for \$166.08, stating the reasons for same, and possibly modifying the conditions of said gift, if the Forestry Department deems it feasible and wise at this time, taking into consideration, of course, whether or not the State derives sufficient benefit from these contests to award prizes from a fund/which there is insufficient money available for this purpose.

I am looking at this matter from a legal standpoint, and I think the matter should be discussed with the Forest Commissioner before this Council Order is passed, so that the Governor and Council will have some information as to how long this deficit is going to continue.

Ralph W. Farris
Attorney General

RWF:c