

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

January 22, 1947

To Leverett D. Bristol, Commissioner of Health and Welfare

Re: Interpretation of Section 14 of Chapter 22, R. S. 1944

I have your memo of January 21st asking for an interpretation of Section 14 of Chapter 22 of the Revised Statutes, relating to the transfer of appropriations made by the legislature from one division to another by authority of the Governor and Council, when such is deemed necessary. You inquire whether or not this section gives authority to the Governor and Council to transfer funds from one division to another when no excess of funds in the first division is anticipated.

This matter is wholly within the discretion of the Governor and Council. The only question in making the suggested transfer is whether or not you can sell the idea to the Governor and Council that it is necessary to make this transfer. The Governor and Council usually consider the recommendation of the head of the department requesting the transfer from one division to another of the department.

RALPH W. FARRIS
Attorney General

January 27, 1947

To Hon. Horace Hildreth, Governor of Maine

Re: Official End of War

. . . Any proclamation by the Governor or Joint Resolution of the Legislature declaring the official end of the provisions of Chapter 305 of the Public Laws of 1941, known as the Civilian Defense Act, will not, in my opinion, materially affect any Executive Orders now outstanding under the provisions of this Act.

Under Section 13 of said Act, it remains in force until six months after the state of war ceases between the United States and every foreign government, or until such time as the legislature by concurrent resolution or the Governor by proclamation may designate. However, if the provisions of this Act should be suspended by proclamation or resolution of the legislature, it would affect Council Order No. 240, passed September 6, 1945, creating the office of Director of Veterans' Affairs and re-directing the activities of this department, under the provisions of the Civilian Defense Act of 1941, as the statement of facts in said Council Order bases the action in said order on the provisions of Chapter 305, P. L. 1941. The order authorizing the creation of the office and re-directing the affairs of the department is based on that statute. If that statute is repealed, the office will have no standing and will have to be transferred back to the Department of Health and Welfare, together with the appropriation account, No. 4610.

I suggest that in order to save the office of Director of Veterans' Affairs, it might be well to have the Act terminated by Joint Resolution of the Legislature, and in the same resolution that terminates the Civilian Defense Act, you could re-create the office of Director of Veterans' Affairs for a certain period, until the Legislature by act makes the office permanent.

RALPH W. FARRIS
Attorney General