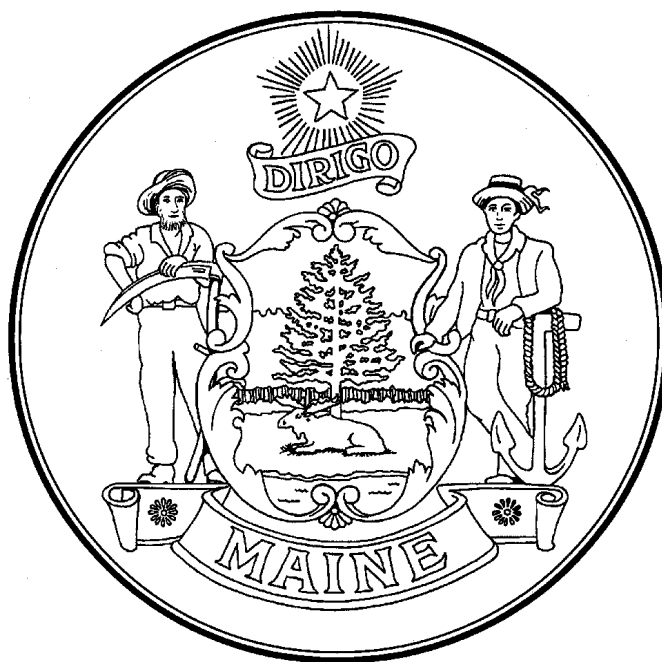


MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

was then made for the raising of the amount thereof in the next tax budget of said county, and the amount so raised was to be applied to the payment of such certificates.

In 1939 by Chapter 277, Section 2, the second paragraph of Section 46 was amended by striking out all that portion thereof which provided that the compensation should be paid by the county. What remained thereof is now incorporated in the present Revision in Section 58 of Chapter 12, which is as follows:

“When the national guard, or other authorized state military or naval forces, or any portion thereof, shall be called forth in aid of the civil authorities, or assembled in obedience to such calls, as provided in section 2, all officers and men thereof shall receive the pay set forth in this section.”

The pay there referred to is in the preceding paragraph, which fixes the rate of compensation.

In view of the deliberate act of the legislature in striking out in 1939 the obligation of the county to pay, I cannot see any obligation on anyone else but the State, where it now rests.

ABRAHAM BREITBARD

Deputy Attorney General

December 16, 1947

To Fred M. Berry, State Auditor

. . . You ask the following question: “Have the Municipal Officers of a town the legal right to expend monies in excess of the appropriation voted at Town Meetings?” . . .

The municipal officers are bound by the terms of the articles in the warrant calling the town meeting providing for the expenditure of money. The officers should not spend more than the taxpayers appropriated at town meeting, unless the statute expressly authorizes an expenditure in excess of the appropriation. You cite one instance where the statute authorizes the town officers to expend up to 15% of the appropriation for the repair of ways.

Section 4, paragraph 13, Chapter 95, R. S., relating to equity powers, provides that when counties, cities, towns, school districts, village or other public corporations, for a purpose not authorized by law, vote to pledge their credit or to raise money by taxation or to exempt property therefrom, or to pay money from their treasury, or if any of their officers or agents attempt to pay out such money for such purpose, the court shall have equity jurisdiction on petition or application of not less than 10 taxable inhabitants thereof, briefly setting forth the cause of complaint.

I feel that it would be good practice for your office to advise municipal officers to keep within their appropriations, unless otherwise authorized by law to exceed same.

RALPH W. FARRIS

Attorney General