

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

December 17, 1947

To H. H. Harris, Controller

Your inquiry of December 2d has relation to the payment of interest on the non-negotiable bonds of the State held by the University of Maine and the Augusta State Hospital, authorized under the Resolves of the Legislature, 1917, in the former case, Chapter 47, and in the latter, Public Laws of 1917, Chapter 89.

These Acts provided that interest at 4% on said bonds should be paid until their maturity. Each of these bonds matured on July 1, 1947. No provision was made either for payment of the bond or an extension of payment. The legislature, however, did provide by appropriation funds with which to pay the interest over and above what the investment earned. Under these circumstances I am of the opinion that the legislature clearly intended that such interest be paid at the rate of 4% after the maturity, at least for the next biennium.

I think, however, that when the legislature comes in, Resolves should be introduced extending the time of payment of these bonds, or providing means for their redemption.

ABRAHAM BREITBARD
Deputy Attorney General

December 23, 1947

To Ernest H. Johnson, State Tax Assessor

This department acknowledges receipt of your memo of December 22, 1947, relative to Chapter 19, Section 41, of the Revised Statutes, as amended. Your inquiry is:

“The above statute states that any owner who has paid his excise tax for a motor vehicle, which he replaces during the calendar year, may have credit allowed for the excise tax paid in excising the subsequent vehicle, ‘provided, however, that only one such credit shall be allowed in any one calendar year.’

“There is no question concerning the above in the case of an individual or corporation owning a single motor vehicle.

“There is question in the case of an ownership of more than one motor vehicle, i. e., does the above statute mean in the case of fleet ownership

- “1. The owner shall be entitled in case of transfer to credit for first vehicle transferred during the year and to that one credit only; or
- “2. The owner shall be entitled to one credit for each vehicle originally excised but later transferred during the calendar year.”

The answer to question 1 is in the negative.

The answer to question 2 is that where the owner has more than one vehicle, he is entitled to one credit on each vehicle.

ABRAHAM BREITBARD
Deputy Attorney General