

MAINE STATE LEGISLATURE

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STATE OF MAINE

R E P O R T

OF THE

ATTORNEY GENERAL

for the calendar years

1949 - 1950

short of the required six months set forth in the military section of the law as a prerequisite to the granting of military leave. However, Mr. Davala served in the armed forces until November, 1945, and immediately returned to State employ, in the early part of December, 1945. Your question is whether the Board has any discretion with reference to the determination of granting military leave in a case such as Mr. Davala's, where the statutory limitation of six months was not completed by such a close margin.

In my opinion the Board of Trustees may use its discretion and grant Mr. Davala military leave, as the statute in cases of veterans in regard to administrative procedure should not be strictly construed, but should be given a very liberal construction in favor of the veterans.

RALPH W. FARRIS
Attorney General

May 26, 1949

To H. S. Weymouth, Engineer, Secondary Highways
Re: Special Resolves

I have your memo of May 16th, in which you state that a discrepancy has shown up involving Chapter 208, P&SL 1949, the so-called highway allocation bill, and Chapter 183 of the Resolves, the blanket road resolve. You state that under Chapter 208, P&SL, Item C-9, the legislature set up \$175,000 for the fiscal year 1949-50 and \$150,000 for the fiscal year 1950-51 and that this is intended to include the regular resolves of \$150,000 each year plus \$25,000 additional for what are called "General Highway" Resolves. In other words, the money to pay these latter resolves becomes available on July 1, 1949, but the resolves are listed for expenditure in the year beginning July 1, 1950.

In order to interpret the intention of the legislature we must start with the proposition that the appropriation is for the fiscal periods ending June 30, 1950 and June 30, 1951, and that there is a further appropriation of \$25,000 from the General Highway Fund "to pay the towns as specified below," set up for the fiscal year 1949-50 with the figures "1949-50" left out in the appropriation. It is my opinion that it was the intent of the legislature to make this appropriation available for each fiscal period, that is, 1949-50 and 1950-51. The omission was called to my attention by some members of the Committee on Ways and Bridges during the closing hours of the session, when the bill had already been engrossed, and the committee did not want to recall the bill for an amendment of this nature.

In regard to Chapter 208, P&SL 1949, Item C-9, which provides for special Resolves of the legislature to repair and construct highways and bridges, in the amount of \$175,000 for the fiscal year 1949-50 and \$150,000 for 1950-51, in interpreting the provisions of Chapter 183 of the Resolves of 1949 I am keeping in mind the provisions of Chapter 208, P&SL 1949, which further indicates that the dates in the Resolves were an error and that the funds appropriated should be made available for expenditure during the first year of the biennium and the towns can be reimbursed by the State after July 1, 1949.

RALPH W. FARRIS
Attorney General