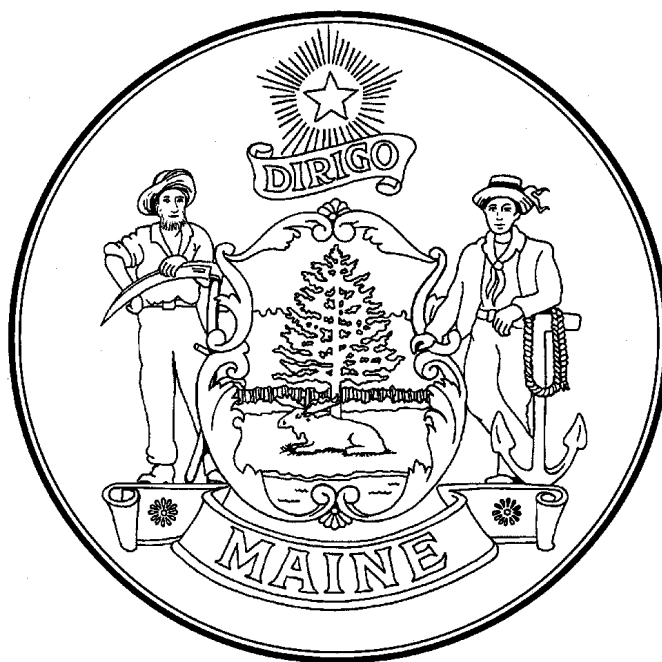


MAINE STATE LEGISLATURE

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STATE OF MAINE

R E P O R T

OF THE

ATTORNEY GENERAL

for the calendar years

1949 - 1950

July 19, 1949

To Earle R. Hayes, Secretary, Employees' Retirement System
Re: Public Libraries

In reply to your memorandum of July 11, 1949, relative to the above subject, you are advised that in our opinion the libraries eligible for participation in the State Employees' Retirement System are those libraries which fall within the scope of Sections 23-31 of Chapter 38, R. S. 1944.

JOHN S. S. FESSENDEN
Deputy Attorney General

July 19, 1949

To State Highway Commission
Re: Westport-Wiscasset Bridge Contract

. . . Representatives of the Westport-Wiscasset Bridge District called at my office a few days ago, with the engineer and the representative of the investment house which is contemplating financing the bonds of said bridge district. They left with me a proposed agreement between the State of Maine, acting through the State Highway Commission, and the Westport-Wiscasset Bridge District, wherein the District agrees to do certain things, and in Section 2 of said proposed contract the Commission agrees that "in the event funds available to the District from any and all sources for the payment of the cost and expense of the Bridge, as determined pursuant to the Resolution, are insufficient for such purposes, it will pay to the District any and all sums by which such cost and expense of the Bridge exceeds the funds available to the District from any and all sources for such purposes. Any such sum or sums shall be paid by the Commission to the District upon notification by the District to the Commission of the need therefor."

Section 4 of said proposed contract provides that "all moneys due and payable to the District by the Commission pursuant to this Agreement shall be paid from any moneys available to the Commission for such purposes, including, but not limited to, unappropriated balances remaining in the General Highway Fund of the State of Maine."

After studying this contract it is my opinion that the Highway Commission has no legal authority under the Constitution of Maine or the Statutes of Maine to enter into any such agreement with the Bridge District.

The charter establishing the Bridge District provides that \$2500 can be used from the General Highway Fund, but that it shall be returned when the District bonds are issued.

The charter authorizes the Bridge District to enter into a contract with the State, but there is no authority for the State Highway Commission to use any of the General Highway Funds to take upon itself the financing of this project without legislative sanction.

RALPH W. FARRIS
Attorney General