

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

R E P O R T

OF THE

ATTORNEY GENERAL

for the calendar years

1949 - 1950

It is my opinion that all maintenance charges under the provisions of Chapter 20 are on a calendar year basis. Section 45 as amended provides that if any town fails to pay its portion of the cost of snow removal work on its state highways on or before the 1st day of January of the following year, the same shall be collected and paid in the manner provided in section 31, and the amount so collected from such town shall be added to the fund for maintenance.

Furthermore, the emergency preamble to Chapter 18 states that "it is essential . . . that the towns should have knowledge of the amounts to be raised for the maintenance of state aid highways before the towns hold their annual town meetings in March; and in view of the fact that municipal officers were notified that the emergency legislation had been enacted, providing that the improved state-aid highways shall be continually maintained under the direction and control of the Commission at the expense of the State, the towns made no provision for raising money on a calendar year basis. This indicates that it was the intent of the legislature that the municipalities should be relieved from all maintenance charges for the calendar year of 1949.

RALPH W. FARRIS
Attorney General

February 16, 1950

To Col. Spaulding Bisbee
Re: The Civil Defense and Public Safety Law

Reference is made to the letter addressed to you under date of February 6, 1950, by James L. Reid, County Attorney, Kennebec County. In this letter Mr. Reid raises the question whether or not the County Commissioners are authorized to expend county funds in furtherance of the Civil Defense and Public Safety activities contemplated by the "Maine Civil Defense and Public Safety Act of 1949." Mr. Reid's question is raised because of the fact that the statute defines "political subdivision" as "any city, town or village corporation in the state," not specifically mentioning counties.

It is my opinion that although counties are not specifically mentioned in the definition of "political subdivisions," the counties may nevertheless, and should, participate in the program contemplated by the Act itself. Section 12 of the Act states that the Governor and the executive officers (presumably of the State) or governing bodies of the political subdivisions of the State are to utilize the services and facilities of existing departments, offices and agencies of the State. While the County Commissioners are not in a narrow sense of the words "agencies of the State," it is nevertheless my opinion from an examination of the whole Defense Act that the County Commissioners, in carrying out their functions as administrators of the county government, are an agency or facility of State government in a broader sense, and, I believe, within the contemplation of the Civil Defense Act. Accordingly, in being "utilized" within the meaning of Section 12 of the Act, it would follow that they would be authorized to make such expenditures as are reasonably necessary to carry out their part in the official program which has been promulgated to carry out the terms of the Act.

JOHN S. S. FESSENDEN
Deputy Attorney General