

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

Subsection II of Section 78, when read alone, may suggest that each individual bill should bear the approval of a majority of the members of the superintending school committee. However, this subsection, when read in connection with Section 25, indicates that there would be no impropriety in attaching the individual bills to be approved to the "bill of items" so that the avouching of the "bill of items" constitutes an approval of the listed items as supported by the bills or vouchers attached thereto.

This does not preclude the municipal officers or members of the school committee in any community adopting a stricter procedure, such as that of requiring the signatures of the majority of the committee on each and every bill presented, which procedure, under certain circumstances, a town might think it the part of wisdom to adopt.

JOHN S. S. FESSENDEN
Deputy Attorney General

April 3, 1950

To Fred M. Berry, State Auditor
Re: Volunteer Fire Departments

In your memorandum of March 21, 1950, you inquire whether or not the practice of paying appropriated amounts directly to the treasurer of a volunteer fire department by a lump sum check fulfils the responsibility of a town treasurer.

The payment of amounts appropriated by a lump sum check payable to the treasurer of the volunteer fire department is a relatively common practice, particularly when the appropriation is actually for the nominal salaries paid to the respective members of the fire department.

This office actually, so far as the law is concerned, has no authority to give any advisory opinion with respect to the handling of town affairs. It would be the writer's personal opinion that financial obligations of volunteer fire departments should be paid on vouchers just as are other town bills. This for the reason that any funds not expended within an appropriation should lapse to the surplus, except of course in the categories of those things which by law are carried over.

JOHN S. S. FESSENDEN
Deputy Attorney General

April 3, 1950

To Lester E. Brown, Chief Warden, Inland Fisheries and Game
Re: Chapter 366, Public Laws of 1949

Chapter 366, P. L. 1949, refers to boats or canoes maintained for hire upon inland bodies of water to which the public has right of access. In performing the duties imposed upon the Department of Inland Fisheries and Game, the right and duty of the department to see that this chapter is complied with will be determined in each case by whether or not the boat or canoe is maintained for hire. If it is not so maintained, the owner will not have any duty to comply with this chapter.

JOHN S. S. FESSENDEN
Deputy Attorney General