

# 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**

May 29, 1950

To Raymond C. Mudge, Finance Commissioner  
 Re: Merit Award Board

I herewith enclose copy of memo which I have this day written to the Maine State Merit Award Board, giving my interpretation of the provisions of Chapter 357, P. L. 1949.

It is my opinion that the legislature did not intend to create an activity and provide an appropriation therefor, and then have same defeated by the general appropriation bill.

The general law provides that at the end of each fiscal year, all unencumbered balances, except those that carry forward as provided by law, shall be lapsed to the unappropriated surplus (Section 23, Chapter 14, R. S. 1944.)

It is my opinion that this is an exception and should be carried forward as provided in Chapter 357, P. L. 1949. That seems to be the plain intent in creating the activity and giving it an appropriation to carry on the purposes of the Act until the next legislature convenes.

RALPH W. FARRIS  
 Attorney General

May 31, 1950

To Ernest H. Johnson, State Tax Assessor  
 Re: Assessment for road repairs under Chapter 79, §§62 and 65

I have your memo of May 22d, stating that Henry Crowell, Chairman of the County Commissioners in Somerset County, advises you that a washout in Lexington township has necessitated the expenditure of money for road repair under Section 65 of Chapter 79, R. S. 1944, which provides that expenditures for sudden injuries to highways shall be added to the next assessment of the county commissioners made under Section 62. You call my attention to the fact that Section 62 of said Chapter 79 permits the county commissioners to assess a road tax within an unorganized township to an amount not exceeding 2% of the valuation of the property in the township, and you ask the following question:

“When expenditures are made under Section 65, and added to the next assessment by the county commissioners for road maintenance, are the amounts expended under Section 65 in addition to the 2% limit in Section 62? In other words, if sudden injury requires additional expenditures, can the total assessment for the following year exceed the 2% limitation of Section 62?”

*Answer.* It is my opinion that the amounts expended under Section 65 for sudden injuries to highways are added to the next assessment by the county commissioners for road maintenance. The amounts expended under said Section 65 are in addition to the 2% limit provided in Section 62, as Section 65 provides as follows: “That portion of said assessment, which is for repairs of sudden injuries as aforesaid, shall be set down in the assessment in distinct items in a separate column and shall be enforced as is provided in section 63.”

In my opinion this assessment for sudden injuries should be in addition to the amount of 2% of the valuation as provided in Section 62.

RALPH W. FARRIS  
 Attorney General