

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

September 11, 1950

Norman Weed, Budget Director
State Highway Commission

I have your memo of September 7th, relating to tolls collected from the Augusta Bridge as to the cash collected which the Highway Commission would like to transfer to Highway Funds.

You state that the money for the bridge was paid from the Highway Loan Fund, Appropriation 9095, and you feel that the money should be paid back to the appropriation from which it was spent rather than to the General Highway Fund Surplus, and you request my opinion on this matter.

In view of the fact that the Highway Loan Fund, Appropriation 9095, was set up under the statute with the approval of the Governor and Council, the revenue received from tolls on the Augusta Bridge should be transferred to the General Highway Fund Surplus and, in case a further Highway Loan Fund appropriation is necessary, the matter can be presented to the Governor and Council asking authority to set up another Highway Loan Fund or supplement the present appropriation Number 9095.

RALPH W. FARRIS
Attorney General

September 20, 1950

To George J. Stobie, Commissioner of Inland Fisheries and Game
Re: Qualifications of the State of Maine to participate under the Dingell-Johnson Federal Aid to Fisheries Act of August 9, 1950

Reference is made to the letter dated September 6, 1950, addressed to you by Mr. Albert M. Day, Director of the Federal Fish and Wildlife Service, about which you and I conferred on the afternoon of September 19, 1950.

The first paragraph appearing on page 2 of this letter reads in part as follows:

“It is possible that, while assent legislation is mandatory, your existing State laws provide prohibitions against the diversion of license fees and no additional legislation in that regard is necessary. On the other hand, it is possible that your State will have to qualify through the assent of your Governor, until assent legislation can be enacted. In either event, you are requested to secure and forward an opinion from your Attorney General, with appropriate reference to State laws covering the question of your State qualifying for this program. Such opinion will be requisite to approval of your State for participation in the program.”

The referenced portion of the letter of September 6, 1950, quoted above, presents two questions as to this State's ability to qualify immediately for participation under the Dingell-Johnson Act: 1) Provisions of law with respect to the disposition of license fees collected by the Fish and Game Department; and 2) The right or authorization to qualify immediately without additional legislation.