

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

such individuals should be accomplished under Section 8 of the law by the local political subdivision, through its authority to appropriate funds for Civil Defense purposes.

I assume that the protection which is afforded to mobile battalions by the State is predicated upon the assumption that mobile battalions will operate under the direct control of the State and therefore become the responsibility of the State, whereas the units of political subdivisions are the direct responsibility of the particular subdivisions. . . .

JOHN S. S. FESSENDEN
Deputy Attorney General

December 4, 1950

To R. W. Carter, Supervising Accountant Auditor
Re: Council Order No. 356

I received your memo of November 30th with attached Council Order No. 356, dated September 21, 1950, asking my opinion as to the intent of same with respect to the actual location of the expenditures.

In reply I will advise that the language in the Council Order controls. The statement of facts is only for information of the Governor and Council before passing the Order and is no part of the Council Order.

The Order transfers \$15,000 from the General Highway Fund Unappropriated Surplus to Administration to provide urgently needed office and drafting room space. In the administration of the expenditure of this fund for needed office and drafting room space, the State Highway Commission under Chapter 20 has wide administrative discretion so long as the Council Order has transferred the money. Vouchers for the expenses of providing office and drafting room space for the State Highway Department are proper in drawing upon this fund.

RALPH W. FARRIS
Attorney General

December 5, 1950

To Scott K. Higgins, Director, Aeronautics Commission
Re: Section 13, Uniform State Aeronautics Commission Act;
Chapter 389, Public Laws of 1949, paragraph I of Subsection I of Chapter 15

In your memorandum of December 4, 1950, you raise the basic question as to whether or not it is valid in Maine for the legislature to enact a statute establishing federal regulations as a standard by reference.

You are advised that it has been held invalid in Maine to enact legislation adopting standards which may change from time to time by the action of some agency not within the control and direction of our own legislature. To the extent that any such legislation contemplates that the law may change from time to time without further action of the Maine legislature, such a statute in Maine is definitely unconstitutional. You will note, however,