

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

for the calendar years  
**1951 - 1954**

This section was amended by Chapter 261 of the Public Laws of 1917, at which time first appears the provision for the State to allow interest annually upon the funds at a specified rate and in which chapter the rate is set at 4%. This was amended by Chapter 15 of the Public Laws of 1919, at which time appears the provision whereby the first of the two funds shall be allowed interest annually at 4% and the second of the two funds shall be allowed interest annually at 6%. Thereafter the law remains in substantially its present form through the Revisions of 1930 and 1944.

In view of the fact that originally these funds bore interest only as earned, I see no reason why the present session of the legislature, if it so desires, could not amend the law, eliminating a fixed rate of interest and returning to the original provisions of law whereby the income of the funds was used as earned.

JOHN S. S. FESSENDEN  
Deputy Attorney General

February 21, 1951

To Honorable Frederick G. Payne, Governor of Maine  
Re: Incompatibility

At the request of your office I have consulted the records of the decisions of this office with respect to incompatibility in the holding of office in more than one branch of the State Government and am of the opinion that in conformity with a long line of precedent, it is incompatible for one person to occupy the office of State Senator and the office of member of the State Real Estate Commission at the same time.

A person apparently so holding is deemed to have vacated the former office at the time that he qualified for the latter.

JOHN S. S. FESSENDEN  
Deputy Attorney General

February 22, 1951

To General Spaulding Bisbee, Director, Civil Defense & Public Safety  
Re: Appropriations by Towns

. . . In interpreting Section 11 of Chapter 298, Public Laws of 1949, we are of the opinion that the voters of any city, town or village corporation may appropriate money to be used by their local organization for Civil Defense and Public Safety for expenses of maintaining its office with its incidental supplies and for the purchase of such services, equipment, supplies and materials for purposes of Civil Defense and Public Safety as shall be specified by amount and purpose in such appropriation.

If a town puts articles in its town warrant calling for the appropriating of certain amounts to stockpile non-perishable food, buy fuel, cots, blankets, first aid supplies, for instance, and the voters of such town favor such purchases by their votes and the same does not exceed that town's debt limit, such purchases are authorized by the Act referred to.