

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

the milk is still in Class I classification and remains there for the purposes of applying the provisions of the law.

WILLIAM H. NIEHOFF
Assistant Attorney General

July 23, 1951

To Allan L. Robbins, Warden, Maine State Prison

Your attention is directed to Chapter 23, Section 52, of the Revised Statutes of 1944, which provides as follows:

“The department shall maintain quarters at the reformatory for women for the incarceration of all women sentenced to the state prison.

“All women sentenced to the state prison shall be transmitted directly from the place of sentence to said reformatory and serve their sentences at said reformatory and shall be subject to all rules governing persons sentenced to the state prison.”

As we understand the procedure being followed, the original mittimus is kept by you at the State Prison and an attested copy forwarded to the Superintendent of the Women's Reformatory. It appears that the Superintendent of the Women's Reformatory should have some written authority in addition to a copy of the commitment to show her authority for holding the prisoner. We suggest that in cases of a similar nature, including those already presently transferred to the Women's Reformatory at Skowhegan and those who may hereafter become matters of consideration, you write on the commitment papers the following:

“The within prisoner is hereby transmitted to the Reformatory for Women in accordance with the provisions of Chapter 23, Section 52, of the Revised Statutes of 1944.”

This memorandum endorsed on the original commitment and the attested copy going to the Reformatory for Women should be signed by you. The original mittimus is retained in your file and the attested copy accompanies the prisoner to the Reformatory. . .

ALEXANDER A. LaFLEUR
Attorney General

July 17, 1951

To A. K. Gardner, Commissioner of Agriculture

Re: Licenses Required by Section 224-C, Chapter 184, P. L. 1951

This office is in receipt of a letter dated July 10, 1951, from C. P. Osgood, Chief, Division of Inspection, in which letter he requests information relative to the supervision and enforcement of Chapter 184, P. L. 1951, with regard to license requirements for the present year. Mr. Osgood requests that our reply be directed to you.

Specifically, Mr. Osgood wishes to know whether your department should require manufacturers to be licensed for the period of August 20, 1951, to June 30, 1952. This question is prompted, undoubtedly, by the fact that, though the effective date of the Act is August 20, 1951, Section 224-C, the provision setting up license requirements, states that application for such license shall be filed during the month of June, such license to be for 12 months, beginning July 1. In other words, an act becoming effective August 20, 1951, contains a provision that application for licenses required by the Act shall be made in June, such license to begin July 1 and to extend for 12 months.

The fact that the license is to cover a twelve-month period and that no provision is made for apportioning the amount to be paid for the remaining portion of the year, even though the statute did not become effective till later in the year, does not mean that the license can be assessed only for the next successive year. This is particularly so when the license tax is a newly imposed one and not one additionally imposed to one already required. Nor does this situation make the legislation retroactive.

It is therefore our opinion that under §224-C, Chapter 184, P. L. 1951, manufacturers should be licensed for the period of August 20, 1951, to June 30, 1952.

JAMES G. FROST
Assistant Attorney General

July 23, 1951

To Brig.-Gen. George M. Carter, The Adjutant General

Re: Armory Appropriation

Your memo of 17 July 1951, with letter attached from the Town Manager of Fort Fairfield, has been received by this office.

You request an opinion relative to the interest earned on \$100,000 appropriated by the State Legislature, by Chapter 143, Resolves of 1949, for the construction of an Armory-Community Center in Fort Fairfield, when that sum is not in use for the purposes intended, but remains in banks awaiting a Federal appropriation of funds under the Facilities Construction Act. The money has not been used because, as you state, bids received were above the total sum of money available, and construction is being delayed until Federal money is available to assist in the construction.

Such funds were not delivered, unencumbered, to the Town of Fort Fairfield, but transferred from the State of Maine to the State Military Defense Commission, a State agency, under that Commission's control. The sum of ten thousand dollars of the fund was expended for the lot upon which the Armory-gymnasium was to be built. The unexpended portion of the appropriation remains State property, as, in general terms, an appropriation is merely the act of setting money aside formally or officially for a special use or purpose by the legislature in clear and unequivocal terms in a duly enacted law. Having set the money aside and the money being in the control of a State agency, the interest earned by that fund will inure to the benefit of the State, and not to the benefit of the Town of Fort Fairfield.

JAMES G. FROST
Assistant Attorney General