

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

for the calendar years  
**1951 - 1954**

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