

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

collected, but should be construed to mean both fees collected and fees with respect to which credit has been extended.

We again suggest, relative to this matter, that if you desire statutory control on this question, the Director of Legislative Research be requested to draft a statute to take care of the problem.

Question 2. When there is a provision in a charter which conflicts with a public law such as is occasioned in this instance, time of payments to County Treasurer, which of the two takes precedence?

Answer. A general public law takes precedence over a provision of a charter when the two provisions are in conflict.

JAMES G. FROST
Assistant Attorney General

August 21, 1951

To Kenneth B. Burns, Accountant Supervisor, Institutional Service
Re: Encumbrance of Funds

Your memo of August 10, 1951, recites a situation where the Department of Institutional Service, having a surplus of funds before the end of the fiscal year, June 30, 1951, submitted to the Governor and Council a Council Order approving the transfer of \$3500 to the Central Maine Sanatorium and the Governor and Council approved such transfer and ordered that the funds be encumbered for the purpose of repairing certain portions of the Central Maine Sanatorium.

We are of the opinion that, as no contract or purchase order had been placed prior to June 30th, the funds were not properly encumbered, and as a result lapsed into the General Fund under Section 23 of Chapter 14, R. S. 1944.

Relative to this matter we draw your attention to Section 21, Chapter 14, R. S. 1944, in connection with the construction of buildings, highways, and bridges, and note that even for this important construction funds cannot be carried forward to the next fiscal year unless contracts have been let, actually starting the work, during the year for which the appropriation was made.

JAMES G. FROST
Assistant Attorney General

August 27, 1951

To Philip A. Annas, Associate Deputy Commissioner of Education
Re: Tuition Liability

In your memo of July 19, 1951, you recite a situation of a boy whose parents have died, who is living with his sister in the town of Enfield. The Town of Enfield does not support and maintain a standard secondary school and of necessity the boy must attend school in another town. You ask: