

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

for the calendar years  
**1951 - 1954**

pletion of the fifth such full fiscal year. Thereafter, all appointments are to be for five years; vacancies are to be filled for the remainder of term of the retiring member.

The present member of the State Board of Education who is serving on the Authority is Mr. Frank Hoy, whose term on the Board runs from August 24, 1952, until August 24, 1957, his term on the Authority should be exactly the same.

On September 20, 1951, the Governor pursuant to the above mentioned statute appointed Mr. John Vose to the three year term, Mrs. Helen C. Frost to the four year term, and Mr. Jasper Stahl to the five year term. The question then arises, when do their respective terms end?

The Act is rather unusual in that it sets up as an initial yardstick the requirement that the three members appointed at large shall, in the first instance, serve terms which shall not terminate until they shall have held office for three, four, and five full fiscal years, respectively, following their appointment.

Chapter 14, Section 5 of the Revised Statutes of 1944 describes the fiscal year as follows:

"The fiscal year of the state government shall hereafter commence on the 1st day of July and end on the 30th day of June of each year."

As a fiscal year does not start until the 1st day of July of each year, any members at large appointed initially to the Authority after said date would not commence to count their respective terms until the next ensuing fiscal year began. Thus, the respective members at large stand as follows:

Members at Large	Appointed	Term	Expiration
Mr. John Vose*	9/20/51	3	6/30/55
Mrs. Helen C. Frost	9/20/51	4	6/30/56
Mr. Jasper Stahl	9/20/51	5	6/30/57
Mr. Richard B. Sanborn*	3/25/52	3	6/30/55

As Mr. Vose resigned his position on the Authority and Mr. Sanborn was appointed to succeed him, Mr. Sanborn's term will expire on June 30, 1955, as the law provides.

ROGER A. PUTNAM  
Assistant Attorney General

September 17, 1952

To General Spaulding Bisbee, Director, Civil Defense and Public Safety  
Re: Interstate Compacts

. . . Both the State of Maine and the State of New York recognize the consummation of an Interstate Civil Defense Compact as between the two States. Letters to this effect have been exchanged by the two States and are in the files of the Secretary of State.

It will be noted that because of limitations in the New York State Defense Emergency Act, Laws of 1951, Chapter 784, assistance pursuant to the Compact will be rendered by the State of New York only in the event of attack.

There has been a similar exchange of letters between the State of Maine and the other New England States.

Our Secretary of State sent to the Vice President, Speaker of the House, and the Federal Civil Defense Administrator copies of the letters exchanged between the States and copies of our Compact.

A period of 60 calendar days has expired during which the Congress of the United States in continuous session following acknowledgment of receipts of such ratifications by the Presiding Officers of both Houses of Congress, during which time the Congress did not pass a concurrent Resolution disapproving the Compacts as submitted, and accordingly they must be deemed to have been approved by Congress, and Compacts therefore exist between the above named States.

JAMES G. FROST  
Deputy Attorney General

September 19, 1952

To George H. Chick, Chief, Division of Markets, Agriculture  
Re: Disposition of Fines, etc.

. . . You ask our opinion relative to the disposition of funds collected by trial justices and municipal and Superior Courts of the State under the provisions of sections 225-237, inclusive, of Chapter 27 of the Revised Statutes of 1944, as amended.

Section 229 in particular is that section with which we are here concerned. It is provided there:

“He (the Commissioner of Agriculture) may recover penalties imposed for violation of the provisions of said sections in an action of debt brought in his own name and if he prevails in such action shall recover full costs; or he may prosecute for violations thereof by complaint or indictment. . .

“All fees received under the provisions of sections 225 to 231, inclusive, by the commissioner and all money and fines received by him under the provisions of said sections shall be paid by him to the treasurer of state and the same are appropriated for carrying out the provisions of said sections.”

While this provision is not so clear-cut as it might be, a complete reading of these statutes shows that it was the intention of the legislature to make the enforcing of these provisions and prosecutions thereunder financially self-supporting.

It is our opinion, therefore, that fines imposed by the courts, and paid, shall be transmitted to the Treasurer of State and be carried by him to the fund appropriated for support of the law.

Likewise, costs, except those portions which may otherwise be provided for elsewhere in the statutes, shall be paid to the Treasurer of State, to be carried by him to the account of the Commissioner of Agriculture in the same manner as fines are carried.

JAMES G. FROST  
Deputy Attorney General