

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

Answer. It is our opinion that such a provision should not be included in the contract. The right of dismissal on the part of the school committee is absolute and is provided for in the above mentioned section 50. Such right to dismiss cannot be barred in any way or limited by contract. The arbitration board would be a further condition which would be repugnant to the principle first mentioned.

JAMES G. FROST
Deputy Attorney General

May 25, 1953

To Raymond C. Mudge, Finance Commissioner
Re: New Law on Bedding and Upholstery

This office has been asked to consider the problem presented by the enactment of Chapter 333, Public Laws of 1953, without an accompanying appropriation to administer and enforce the law.

The Act in question is designed to place appropriate safeguards around the manufacture and sale of bedding and upholstered furniture to insure a healthful product.

Section 129 is that section relating to funds for the administration of the provisions of the Act and reads as follows:

“Proceeds payable into the general fund. All fees and other moneys collected in the administration of sections 123 to 130, inclusive, shall be credited to the general fund of the state. Provided, however, that there shall always be available for the administration of the provisions of sections 123 to 130, inclusive, state moneys in an amount not less than the revenue derived from the fees collected under the provisions of sections 123 to 130, inclusive, except that any unexpended balance shall remain in the general fund.”

As stated, the legislature did not appropriate any money to enforce or administer the Act and the question is now asked:

“How shall the act be enforced and administered in the absence of an appropriation?”

It is our opinion that section 129 is to be interpreted to mean that fees and other moneys collected shall be credited to the general fund of the State if there is available from other sources a fund to administer the provisions of the Act. If such other fund has not been made available for the purpose of administration, then the fees and other moneys collected should not be credited to the general fund, but are to be handled as dedicated moneys and directed to such administration as if contemplated by the Act.

JAMES G. FROST
Deputy Attorney General

May 25, 1953

To Fred J. Nutter, Commissioner of Agriculture
Re: Maine Building Committee, Eastern States Exposition

We are in receipt of your memo of May 18th relative to the membership of the Maine Building Committee, Eastern States Exposition.