

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

Having answered Question No. 2 in the affirmative, it is unnecessary for us to answer Question No. 3.

JAMES G. FROST
Deputy Attorney General

June 22, 1953

To Everett F. Greaton, Director, Maine Development Commission
Re: Appropriation for Promotion of Industry and Mineral Research

One provision of Chapter 223 of the Public Laws of 1951 appropriated the sum of \$50,000 to the Maine Development Commission for the promotion of industry and mineral research. With respect to this \$50,000 appropriation it was provided that "Any unexpended balance shall not lapse but be carried forward to the 1952-1953 fiscal year." You state that there is presently left in the fund, unencumbered, approximately \$30,000 and that you had assumed that this was a carrying provision and that the fund did not lapse. You ask if the above quoted provision of the law, in our opinion, means that this fund must lapse unless encumbered or whether we feel that it was the intent of the legislature that this fund could carry on and should not lapse.

It is the opinion of this office that the intent of the legislature is clear and that the fund shall not continue beyond the end of the 1952-53 fiscal year.

The above quoted phrase is the usual expression to show legislative intent that funds shall lapse at a particular time.

JAMES G. FROST
Deputy Attorney General

June 23, 1953

To Everett F. Greaton, Executive Director, Maine Development Commission
Re: Encumbrance of Funds for Salary and Expenses

We have your memo of June 23, 1953, in which you state that you have employed a full-time Assistant Geologist at a salary of \$4000. a year with traveling and laboratory expenses of another \$2000.

The amount of \$4000 is to be paid from the special appropriation for industrial and mineral research. This fund, unless properly encumbered, will lapse at the end of the 1952-53 fiscal year, and you ask if you can encumber this fund for the amount of the contract.

We wish to advise that a contract, the terms of which show employment prior to June 30, 1953, is sufficient to encumber the fund for the amount expressed in the contract.

JAMES G. FROST
Deputy Attorney General