

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

July 7, 1953

To A. D. Nutting, Forest Commissioner
Re: Contract for Prospecting

Enclosed herewith please find copy of agreement between the Cassidy Estate and the Freeport Sulphur Company, which we are returning to you.

This agreement was presented to this office with a request to ascertain whether or not the Forest Commissioner was authorized under our statutes to enter into a similar agreement with the Freeport Sulphur Company whereby that company might prospect for minerals and whereby, ultimately, under that agreement, the company might proceed with major mineral operations.

We wish to advise that we can find no authority for the Forest Commissioner to enter into such an agreement.

It is the opinion of this office that any negotiations relative to mining must be carried on with the Maine Mining Bureau, the statutes relating to such Bureau apparently authorizing an agreement which ought to be satisfactory to the Freeport Sulphur Company.

We regret the delay in answering this question, but we have been out of town on court cases.

JAMES G. FROST
Deputy Attorney General

July 10, 1953

To Raymond C. Mudge, Commissioner of Finance
Re: Encumbrance

We have at hand your memo of June 30, 1953, in which you ask the following question:

“Does the passage of a Council Order directing the State Controller to carry forward from one fiscal year to the next fiscal year a sum of money for the use of a State department or agency constitute an encumbrance within the meaning of the Appropriation Act as cited above?”

As background to the question your memo contains the following information:

“The General Fund Appropriation Acts in the past and the current Act which is effective tomorrow (Chapter 145 of the Private and Special Laws of 1953) contain language as follows:

“At the end of each fiscal year of the biennium all unencumbered appropriation balances representing state monies, except those that carry forward as provided by law, shall be lapsed to unappropriated surplus as provided by section 23 of chapter 14 of the revised statutes of 1944. At the end of each fiscal year of the biennium all encumbered appropriation balances shall be carried forward to the next fiscal year, but in no event shall encumbered appropriation balances be carried more than once.”