

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date 2-17-54

Ms

To David N. Stevens, Chairman

Dept. Maine State Highway Commission

From L. Smith Dumack, Assistant Attorney General

Dept. Attorney General

Subject Interpretation of §109 of chapter 20 of the R. S.

I have been requested to give my opinion on the interpretation of section 109 of chapter 20 of the Revised Statutes.

In letters to John Mahon, dated July 22, and August 3, both of 1951, copies of which are hereby affixed, I discussed the problem in part.

You will note that a strict interpretation of the letter of the law would not permit the great extension of the anticipation that has existed for some time.

However, you will also note that it was my opinion that a liberal and practical interpretation could justify the procedure that had been followed.

It is obvious that the Commission is the final arbiter on the matter of anticipation. Even if the State can decide to anticipate, the judgment of the Commission as to the advisability of the anticipation is the determining factor. The Commission can vote anticipation within the original fiscal year if it is deemed prudent.

The fact that the Commission has permitted anticipation in the past in similar circumstances does not bind the Commission in any situation before them. It is strictly a policy matter, and lies within the broad discretion of the Commission.

Respectfully submitted,


Assistant Attorney General

LSD:mf
cc Attorney General (2)