

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE



REPORT
OF THE
ATTORNEY GENERAL

for the calendar years
1955 - 1956

March 16, 1955

To Harvey H. Chenevert, Executive Secretary, Milk Commission

Re: Legality of Sales Promotion

We have your memo of March 4, 1955, in which you recite the following:

"A dealer proposes to give away articles, such as bicycles and other smaller prizes to the boy or girl who presents the most bottle caps with his (dealer's) name on cap.

"Question: Is this a violation of Chapter 33, Revised Statutes, Section 4, Item VI, last paragraph of which reads 'No method or device shall be lawful, etc.'"

"May we have a written opinion?"

Section 4-VI, of Chapter 33, the last paragraph, reads as follows:

"No method or device shall be lawful whereby milk is bought or sold at prices less than the scheduled minimum applicable to the transaction whether by any discount, rebate, free service, advertising allowance, combination price for milk with any other commodity or for any other consideration."

The facts stated in your memo have been amplified by facts presented to this office by other people who apparently are complaining against the same individual in regard to the scheme or device by which he gives away articles. It is our understanding that on Saturdays, each week, the dealer has a number of prizes, each of some value, and these articles are auctioned away to the boy or girl presenting the most bottle caps with the dealer's name imprinted thereon.

It is our opinion that, where these articles are given away to the highest bidder, i. e., the person holding the highest number of bottle caps, this is in effect the selling of milk at less than the minimum price and is in violation of the above quoted law. . .

JAMES GLYNN FROST
Deputy Attorney General

April 4, 1955

To Maurice F. Williams, Administrative Assistant, Executive

Re: Line Budget

We have your memo of April 1, 1955, in which you state that to avoid misunderstanding as to authority to transfer funds between appropriations as classified in L. D. No. 452, "An Act Relative to Line Budget for Personal Services, Capital Expenditures and Other Expenses of State Departments," you are asking an opinion on the following question:

Question: Do the Governor and Council, upon recommendation of the department head and the budget officer, have authority to approve the transfer of funds between the category of Appropriations as set forth in Legislative Document No. 452 as approved by the 97th Legislature.

Answer. Yes.

L. D. No. 452 amends Sections 13 and 14 of Chapter 16 of the Revised Statutes of 1954 to provide that the general fund appropriation bill and the work