

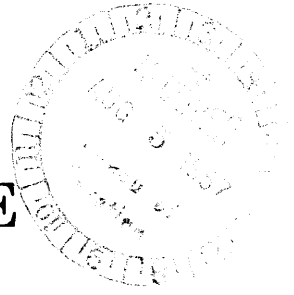
# MAINE STATE LEGISLATURE

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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

program submitted by the head of each department and agency of State Government shall both be so prepared as to show specific amounts for their departmental expenses.

In interpreting statutes relating to a particular subject, all laws having reference to that subject should be read together. Section 22 of Chapter 16, R. S. 1954, in our opinion provides sufficient authority for the Governor and Council to make a transfer of funds between the several categories now required by statute to be set out in appropriation bills and work programs. This section reads as follows:

*“Transfer of unexpended appropriations on recommendation of state budget officer. — Any balance of any appropriation or subdivision of an appropriation made by the legislature for any state department, which at any time may not be required for the purposes named in such appropriation or subdivision may, upon recommendation of the department head concerned and the budget officer, be transferred by the governor and council, at any time prior to the closing of the books, to any other appropriation or subdivision of an appropriation made by the legislature for the use of the same department for the same fiscal year.”*

It appears that this section of law was enacted in 1945 with the intention to govern just such a situation as will exist under the new law.

FRANK F. HARDING  
Attorney General

April 19, 1955

To Albert S. Noyes, Bank Commissioner

Re: Right of Trust Companies to Hold Real Estate under Deeds of Trust

We have your memo of April 11, 1955, which reads as follows:

“I have been asked a question in relation to the proposed building which is to be built in Waterville for the use of a manufacturing concern, and I am not entirely sure of the proper answer. The question follows:

“Re: A trust company organized under Sections 90 to 100, inclusive, of the Banking Laws of the State of Maine and having a regularly organized trust department:

“Does such a corporation have the power to hold under a deed of trust, real estate in the form of land, and to build a building or buildings upon such land, issuing a first mortgage and note or notes in its own name as trustee to pay for the building of such a building, and to lease such building, when completed, for a period of years?”

“Will you kindly rule as to whether Paragraph VII of Section 90, Chapter 59, R. S. 1954 confers the power to act as trustee under a deed of trust, the power to issue first mortgage notes with the trust real estate as security, and the power to lease the property?”

Section 90, Paragraph VII of Chapter 59, R. S. 1954, reads as follows:

“VII. To hold by grant, assignment, transfer, devise or bequest, any real or personal property or trusts duly created, and to execute trusts of every description; . . .”