

# MAINE STATE LEGISLATURE

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June 9, 1955

To Edward L. McMonagle, Director of Administrative Services,  
Department of Education  
Re: Vocational-Technical Institute Scholarship Fund

In your memo of May 26, 1955, you ask for an interpretation of Chapter 181, Resolves of 1955.

The first paragraph of the Resolve is head-noted, "Trust fund at Maine Vocational-Technical Institute, created."

The gist of the law is to establish a scholarship fund for the Institute by means of appropriations of \$5000 for each of the years in the biennium ending June 30, 1957. The funds which may be awarded to students are limited and are not to exceed \$300 in any year for any one scholarship, and the amounts available for such scholarships are to be allocated annually to the use of the Institute.

You ask whether it will be the interest earned by a trust fund or the \$5000 in the unappropriated surplus, or, in the case of the second year, the \$5000 plus any unexpended balance of the first year, which is to be used for scholarship purposes, and also you ask whether or not these sums can be set up in a carrying balance account.

In determining the interpretation of a law, Section 22, XXVIII of Chapter 10 of the Revised Statutes of 1954 provides that abstracts of titles, chapters and sections and of notes are not legal provisions. We therefore need not consider the words "Trust fund" as being conclusive in answering your question.

It is the opinion of this office that, as set up in Chapter 181, appropriations of \$5000 for each of the years of the biennium are to be spent in the year for which they are made, for scholarship purposes. We believe that the words "Trust fund", as used, indicated that the funds shall be used for no other purpose than scholarships and not that the interest only from the sums appropriated shall be used for that purpose. We think this is obvious from the fact that interest earned on \$10,000 would normally not exceed \$300. and that is the maximum sum that can be granted to one person during the course of a year. It follows that a carrying balance account cannot be set up and that any unexpended sum at the end of the fiscal year should lapse under the general provisions of our law.

James Glynn Frost  
Deputy Attorney General

jf/c