

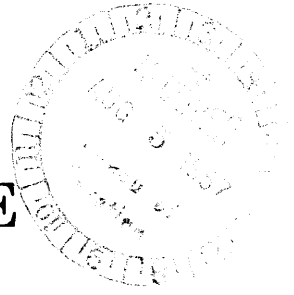
# MAINE STATE LEGISLATURE

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STATE OF MAINE



REPORT  
OF THE  
ATTORNEY GENERAL

for the calendar years  
1955 - 1956

June 22, 1955

To Edward L. McMonagle, Director of Administrative Services,  
Department of Education

Re: Chapter 321, Public Laws of 1955

We have before us the request forwarded to you from the Regional Office, Bureau of Old Age and Survivors Insurance, regarding the right of the Department of Education to enter into an agreement with the Secretary of Health, Education and Welfare in regard to Chapter 321, which is an Act relating to the determination of physical disability by the Department of Education. More specifically, the federal agency involved is questioning the right of the department to enter into the agreement.

We feel that Section 202-A is a complete answer and should lay to rest any problem relating to the right to enter into the agreement. This statute provides in part:

“ . . . The executive officer of the State Board of Education (this would be the Commissioner of Education), subject to approval of the Governor, is hereby authorized and empowered to enter into an agreement on behalf of the State with the Secretary of Health, Education and Welfare to carry out the provisions of Title II of the Federal Social Security Act relating to the making of determinations of disability.”

You will note that it is the Legislature which has determined the State agency to handle this matter and it is not for the Governor to assign the duty to any particular department.

ROGER A. PUTNAM  
Assistant Attorney General

July 5, 1955

To Richard E. Reed, Executive Secretary, Maine Sardine Industry

Re: Advertising

You inquire whether the Tax Committee has authority to allocate to individual packers a percentage of their tax payments to be used by them to advertise their individual brands.

In my opinion the Tax Committee does not have authority to do so.

Section 267, Chapter 16, R. S. 1954, provides for the expenditure of sardine tax revenues. The pertinent language is:

- “1. For the collection of the tax and enforcement of all provisions of sections 260 to 269, inclusive.
- “2. The balance in such amounts as shall be from time to time determined by the Maine Sardine Tax Committee:
  - A. For the purpose of merchandising and advertising *Maine sardines* for good, under the joint direction of the Maine Development Commission and the Maine Sardine Tax Committee.” (Underlining supplied.)