

MAINE STATE LEGISLATURE

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June 13, 1956

ND

To Kermit S. Nickerson, Commissioner of Education
Re: Special School Milk Program

We have reviewed the attached copies marked Exhibits 1 and 2 of an agreement extending existing school milk program agreements between the State and the schools.

With respect to Exhibits 1 and 2 you ask if the second method of extending agreements constitutes a valid extension of existing agreements under State law, which will obligate both parties so that all terms and conditions of existing agreements are in full force and effect for the period of July 1, 1956 through June 30, 1957.

Exhibit 2 requires signature by the State and is to be considered an acceptance by the school upon the submission by that school of a claim for reimbursement for operations for any month after June, 1956.

We are of the opinion that Exhibit 1 is the form which should be used to extend existing agreements. Exhibit 1 is in the usual form requiring signature by both parties, such as would be necessary in executing the original agreement. We look unfavorably upon Exhibit 2, which is an instrument signed by only one party and goes into effect retroactively.

James Glynn Frost
Deputy Attorney General

jgf/c