

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1957 - 1958

project in advance of the date on which funds may be made available therefor by the legislature, . . .”

It thus appears that the legislature contemplated plans or specifications where the appropriation was needed in advance of the date when funds would be made available, and provided that they would be taken from the construction reserve fund.

For the above reasons we do not believe it proper for us to approve the within contracts at this time.

JAMES GLYNN FROST
Deputy Attorney General

March 10, 1958

To Dr. Warren G. Hill, Commissioner Education

Re: Transfer of Funds—Community School District; Terms of School Board Members; Terms of School Director

This memorandum is in answer to the questions submitted by Senator McKusick.

Question No. 1:

“How would trustees of a community school district pay off bonds if district failed to transfer funds? (Town meeting having been held)”

Answer:

Section 111F of Chapter 443 of the Public Laws of 1957 places a duty by law each year on the School Administrative District to transfer funds necessary to amortize outstanding capital outlay indebtedness existing at the time when the operation of the Community School District was suspended. In the event such funds were not turned over to the trustees of the Community School District, appropriate legal action could be taken.

Question No. 2:

“School Board Members in towns—are their terms terminated when a district is formed?”

Answer:

Section IIIIR states that on the date that the School Administrative District becomes operative, the school director shall assume the management and control of the operation of all public schools within the district. The entire tenor of the act would indicate that the school board members in the individual school administrative units have no function. Whether their terms expire or not makes no difference since the school board members are non-functional after the School Administrative District becomes operational.

Question No. 3:

“When a town elects a school director at town meeting, will his term of office coincide with the time of the forming of the district (say July 1)?”

Answer:

Their terms of office begin on the operational date of the School Administrative District and expire at the end of the length of their respective terms determined by Section III F. The operational date of the School Administrative District coincides with the active management and at the beginning of the school director's terms.

GEORGE A. WATHEN
Assistant Attorney General

March 10, 1958

To Andrew E. Watson, Asst. Chief, Agriculture, Division of Inspection

Re: Rules & Regulations—Establishment of grades of sardines in oil, packed in $\frac{1}{4}$ sized cans; Marking, Branding or Labeling of Sardines

We are returning herewith two proposed sets of rules and regulations—one relating to the establishment of grades for sardines in oil, packed in $\frac{1}{4}$ sized cans; the other relating to the marking, branding or labeling of sardines and the use of established grades. We have the following comments to make on the rules:

In establishing official grades for sardines in oil, packed in $\frac{1}{4}$ sized cans, four grades are established ranging from "fancy" to "sub-standard grade."

"Sub-standard grade" is defined as being "The quality of canned Maine sardines in oil that failed to meet the requirements of 'standard grade', if they (sardines) comply with the provisions of existing applicable state law and regulations.

It appears to us that such definition embraces all sardines going downward from "standard grade" to the lowest level at which such fish might be sold, including such fish as might be sold as herring under the provisions of Section 263, Chapter 32 of the Revised Statutes of 1954. In other words, "sub-standard grade" embraces all sardines that can be legally sold up to, but not including, the grade established as "standard grade."

In relation to this definition we draw your attention to the contemplated rules and regulations governing the marking, branding or labeling of sardines. These latter rules and regulations provide for the marking of sub-standard grade sardines which must be stamped with the words "BELOW STANDARD IN sardines which must be stamped with the word "BELOW STANDARD IN QUALITY, GOOD FOOD—NOT HIGH QUALITY" and products which are otherwise known as sardines but fail to meet sub-standard grade requirements which latter product must be marked "HERRING."

It appears to us that, as "Sub-standard Grade" embraces all sardines that can be sold up to the standard grade, the further breakdown of sardines into a pack that does not make the sub-standard grade presents an ambiguity that should be cleared.

In so far as Section 263 of Chapter 32 provides that products which do not meet standards to be established by the Commissioner may be sold if labeled "HERRING," the requirement in the contemplated rules and regulations that