

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1957 - 1958**

April 10, 1958

To Harold I. Goss, Secretary of State

Re: Use of State Flag.

We have your memo and attached correspondence with the Green Duck Metal Stamping Company relative to the use of the State of Maine Flag.

It appears that the above mentioned company contemplates an advertising program for an unnamed cereal company, whereby eventually a set of 48 flags could be procured by a purchaser of the cereal.

It is our opinion that such use of the Maine Flag violates Sections 27-32, inclusive, of Chapter 1 of the Revised Statutes of 1954, especially Section 28. These sections appear designed to prohibit the use of the flag for any commercial purpose.

It is difficult to draw statutes to embrace all conceivable situations. However, the general intent can be seen in Section 28-III:

“No person shall . . .

“Expose to public view for sale, manufacture or otherwise, or to sell, give or have in possession for sale, for gift or for use for any purpose, any substance, being an article of merchandise, or receptacle, or thing for holding or carrying merchandise, upon or to which shall have been produced or attached any such flag, standard, color, ensign or shield, in order to advertise, call attention to, decorate, mark or distinguish such article or substance.”

JAMES GLYNN FROST

Deputy Attorney General

April 23, 1958

To David H. Stevens, Chairman, Highway Commission

Re: Federal Aid Highway Act of 1958.

You have requested my opinion as to whether the acceptance by the State of the additional apportionment of \$919,343 by the federal government under the provisions of the Federal Aid Highway Act of 1958 will be in violation of the State Constitution.

Section 14 of Article IX reads as follows:

“The credit of the state shall not be directly or indirectly loaned in any case. The legislature shall not create any debt or debts, liability of liabilities, on behalf of the state, which shall singly, or in the aggregate, with previous debts and liabilities hereafter incurred at any one time, exceed two million dollars, except to suppress insurrection, to repel invasion, or for the purpose of war; and excepting also that whenever two-thirds of both houses shall deem it necessary, by proper enactment ratified by a majority of the electors voting thereon at a general or special