

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1957 - 1958**

Chapter 210, Private & Special Laws of 1957, which amended Chapter 190, Private & Special Laws of 1957, provides in Section 2 that the cost incurred in establishing the ferry line or lines shall be paid by the State Treasurer from the proceeds of the sale of bonds. Section 5 of Chapter 210 restates the purposes for which the proceeds from the sale of bonds can be spent with reference to Section 10 of Chapter 210.

Section 10 under Section 5 provides: "Interest due or accruing upon any bonds issued under the provisions of this act and all sums coming due for payment of bonds at maturity shall be paid by the Treasurer of State."

Section 2 provides that the funds for retiring the bond will come from the toll income of the ferry service.

I am unable to find any authority in the act for the proposition that you cite. It is my opinion that it is not proper to go beyond the purposes set out by the legislature. In support of this statement please refer to the memo of December 4, 1951, from the Attorney General to the State Treasurer and the Opinion of the Justices cited therein.

GEORGE A. WATHEN  
Assistant Attorney General

August 14, 1958

To Ober C. Vaughan, Director, Personnel

Re: Ferry Service—Maine Port Authority

We have your memorandum of July 28, 1958, which reads as follows:

"Pursuant to our discussion of this date, may I request your opinion as to whether or not Chapter 210, Section 9, Private and Special Laws of 1957, implies that employees under this operation would be hired under the authority of the Personnel Board."

The employees of the Maine Port Authority to be employed under the provision of Chapter 210, Section 9, Private & Special Laws of 1957, are not subject to the personnel law, but are to be employed in the same manner in which the Authority usually employs its employees.

Chapter 114, Section 2(a), Private & Special, 1929, provides that:

"The board of directors (of the Authority) shall determine and fix the salary of all other officers and employees of the . . . Authority."

Section 4(a) provides that:

"The . . . Authority shall employ such engineers, clerks . . . and other employees as it may deem necessary to carry out the purposes of this act and shall determine their duties and compensation."

Chapter 190, Section 11, Private & Special, 1957, imposes upon the Authority the duty of operating the ferry line.

Employees necessary to carry out the added purpose should be employed in the manner the Act provides, which would preclude their being considered as classified employees.

JAMES GLYNN FROST  
Deputy Attorney General