

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1959 - 1960

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It is evident that the legislature directed that construction accounts that were encumbered because of agreements made within any fiscal year should not lapse. This statute was enacted at the same session as Chapter 378 and became effective on the same date.

The language used in Section 3 was copied from language used in former years to carry out the general policy of lapsing unexpended balances exclusive of construction accounts.

It is my opinion that the appropriation set up in Chapter 378 is definitely a construction account and that the use of the last sentence in Section 3 was not intended to change the law regarding construction accounts, but to provide for the lapsing upon the completion of the projects.

This opinion is further based on my personal knowledge that the drafters of the act had no intention to permit the lapsing of such funds, because they knew that there would be a considerable time lag between agreements and planning and the completion of the projects.

L. SMITH DUNNACK
Assistant Attorney General

January 12, 1959

To: Clayton Osgood, Chief of Division of Inspection, Agriculture

Re: Export of Substandard Sardines

I have your request for an opinion on the question of sardines which have failed to pass inspection as standard sardines, but are intended for export. As I understand the facts, these fish are packed containing at least the minimum fish per can and at least the minimum quantity of oil or sauce as required by Section 263. The cans were labeled "sardines". No broken fish were packed initially, but upon inspection, they were found to be below standard.

There are two criteria under Section 263 of Chapter 32 requiring fish to be marked "herring", namely, less than the minimum count of fish per can and less than the minimum quantity of oil or sauce. I have not been able to find any regulations issued by the Commission setting the standards for herring other than those in the statute.

Therefore, it is my opinion that in this situation, if the exporter is in compliance with the last paragraph of Section 263, that these fish can be shipped without being marked "herring".

GEORGE A. WATHEN
Assistant Attorney General

January 12, 1959

To: David H. Stevens, Chairman, State Highway Commission

Re: Authorization to Accept Federal Grant in Regard to Billboards

You have requested my opinion as to the authority of the State Highway Commission to accept the new bonus offered by the federal law in regard to billboard control.