

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1959 - 1960

MAINE STATE
LIBRARY

To municipalities appropriating and expending \$476 to \$1,900,
7%;

To municipalities appropriating and expending \$1,901 to \$5,000,
4%.

No municipality shall receive annually more than \$200. The stipend shall be used for the purchase of books to be placed in said library. (R. S. c. 38, Sec. 25, 1953, c. 308, sec. 75.)”

In 1955, however, the two separate sections of law were substantially integrated and the words “and expended” were eliminated in the formula but remain in the first paragraph of the section.

“Sec. 33. State aid for municipalities maintaining free public libraries. The officers of any municipality may certify to the State Librarian annually, before the 1st day of May, the amount of money *appropriated and expended* by said municipality during the preceding year for the benefit of a free public library established therein, or for the free use of a library in an adjoining town. Upon such certification the State Librarian, if satisfied with the quality of service performed by such library, shall approve for payment to such municipality an amount based on the following schedule:”

(Chapter 185, sec. 13, Public Laws 1955)

Payment of the state stipend is conditioned upon the certificate of the municipality. A certificate stating merely that money had been appropriated would not comply with the statute, for the statute says such certificate must be as to money “*appropriated and expended*.” If no money could be paid by the state on such a certificate (on appropriation only) it seems clearly that the stipend is based on money appropriated *and* expended.

The deletion of the words “and expending” from the formula does not change the necessity of a township having to expend money for library purposes in order that the state aid be paid, and we are of the opinion that the amount of money so expended is the basis upon which payments shall be made by the state to the town.

JAMES GLYNN FROST
Deputy Attorney General

May 27, 1959

To: Nathan W. Thompson, Esquire
Woodman, Skelton, Thompson & Chapman
85 Exchange Street
Portland 3, Maine

Dear Mr. Thompson:

We have your letter of May 25, 1959 and the attached copy of a proposed lease between the Town of North Haven and the Maine Port Authority, whereby the Port Authority leases property of the town on which to build a ferry terminal.

You ask for our comments on the following paragraph of the lease:

“If following the construction of said Ferry Terminal, Maine Port Authority, or such other body as may be delegated by the Maine Legislature to run a regular ferry service to said Town of North Haven, should for any reason terminate regular ferry service to said Town of North Haven, this lease shall terminate and the ferry terminal shall revert to the Town of North Haven free of any costs or charges.”

We understand that there is nothing unusual, when one leases property upon which structures are placed, that at the termination of the lease such constructed property may belong to the lessor. We are also familiar with the fact that leases may provide for the removal of such structures by the lessee.

This office has no objection to the intent of the questioned paragraph; however, in so far as the lease will be executed on behalf of the State, we offer the following amendment (underlined) to the paragraph in order to safeguard State interests:

If following the construction of said Ferry Terminal, Maine Port Authority, or such other body as may be delegated by the Maine Legislature to run a regular ferry service to said Town of North Haven, should for any reason terminate regular ferry service to said Town of North Haven, *for a period longer than two years*, this lease shall terminate and *title* to the ferry terminal shall *vest in* the Town of North Haven free of any costs or charges.

There is the possibility that at some time, even in the infancy of the operation, that some presently unpredictable factor will cause an interruption in service between sessions of the Legislature, — perhaps a lack of funds. The Legislature, however, could well desire to continue the service, and it should have the opportunity to so decide before the facility were to vest in the town. We, therefore, suggest the proposed amendment.

Very truly yours,

JAMES GLYNN FROST
Deputy Attorney General

May 27, 1959

To: David J. Kennedy, Secretary
Commission of Pharmacy
Milbridge, Maine

Dear Mr. Kennedy:

We have your letter of May 18, 1959, in which you ask two questions concerning applicants desiring to take examinations under the provisions of Chapter 68, Revised Statutes of 1954, as amended.

The first question relates to examination for qualified assistants under the provision of Section 7 of Chapter 68.