

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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"3. Is there any obstacle to getting Federal aid if the state can classify a contract academy with its public schools?"

Answer:

To the best of my knowledge there is no Federal aid for school construction at the present time. If this question is directed in reference to the National Defense and Educational Act, I am not sure what field you are specifically referring to and would not be able to answer this question. If the question relates to Federal aid for school buildings or capital expenditures, I would not be in a position to hazard a guess as to what Congress might or might not do.

"4. Would the state computation of subsidy, based on Saco's payments of tuition, have any influence on the Federal position with Thornton Academy?"

Answer:

As I have stated in answer to question 3, I know of no Federal law relating to aid to states for capital expenditures and therefore could not hazard a guess as to what may or may not be in the law.

GEORGE A. WATHEN
Assistant Attorney General

December 29, 1960

To: Walter B. Steele, Jr., Executive Secretary of Maine Milk Commission
Re: Sale and Delivery of Milk on Land Owned by the United States Government

We have your request dated October 4, 1960 for an opinion with regard to whether or not the Maine Milk Commission has the power to regulate the sale of milk in the Capehart housing project attached to Dow Air Force Base at Bangor.

It appears to be the settled federal law that State Milk Commissions retain jurisdiction over federal projects where exclusive jurisdiction over the area in question has not been accepted by the federal government. *Pennsylvania Dairies, Inc. v. Milk Control Commission*, 318 U. S. 261. In this connection I have been in touch with the Department of the Air Force in Washington and they have informed me in a letter of December 23, 1960 that federal jurisdiction has not been accepted by the United States over the existing Capehart housing project located approximately one mile northwest of Dow Air Force Base.

It is our opinion, therefore, that the Maine Milk Commission has the power and authority to regulate the price of milk within this area. It should be noted, however, that additional housing is planned on an area immediately adjacent to the Base on Griffin Road and State Route No. 222. No action has been taken to accept federal jurisdiction over this latter housing area.

THOMAS W. TAVENNER
Assistant Attorney General