

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

being based upon the fact that the decision of the court was in error in holding as being unconstitutional that provision of the Wyoming law which permitted merchants to issue and redeem stamps for cash or from stock in their stores.

In a decision not yet reported, so citation is unavailable, the court upheld that particular portion of the Wyoming law. The result is that the highest court of the State of Wyoming has completely upheld, as being constitutional, a law which is substantially identical to that proposed to the Hundredth Legislature in H.P. 461, L.D. 661.

This memo does not alter the conclusion that legal problems are present in such a bill, but is intended only to advise you as to the status of the Wyoming case.

Very truly yours,

JAMES GLYNN FROST

Deputy Attorney General

February 10, 1961

To: Scott Higgins, Director of Aeronautics Commission

Re: Transfer of Portland Municipal Airport to the State of Maine

We have your request for an opinion as to whether or not section 20, chapter 24, of the Revised Statutes, authorizes the Maine Aeronautics Commission to apply for and receive federal funds.

The second paragraph of the first subsection states that:

“The commission with the consent of the governor and council may, from the amounts appropriated and known as the ‘Airport Construction Fund,’ match funds with the federal government for the purpose of constructing, extending or improving state owned airports.”

It is a rule of statutory construction that the statute in question must be construed as a whole, *Morton, Pet'r v. Hayden*, 154 Me. 6, 15-16. The section of the statute quoted above would have absolutely no meaning unless it authorized the Aeronautics Commission to apply for and receive federal funds. The commission is given the authority, with the consent of the governor and council, to match federal funds. If this grant of authority did not include the power to apply for and receive these funds, the whole purpose of the section quoted above would be destroyed. The Aeronautics Commission could not match federal funds unless it could first apply for and accept those funds.

We are, therefore, of the opinion that the Maine Aeronautics Commission, under the statutory provisions quoted above, has the authority to apply for and receive federal funds, including monies designated for the Portland Municipal Airport.

THOMAS W. TAVENNER

Assistant Attorney General