

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

A definition would be "any obligation of a candidate or committee for services rendered by request of a candidate or committee for which a bill has been received but not fully paid." The word "services" includes radio and television time, advertising and all other items which a candidate or committee purchases.

GEORGE C. WEST

Deputy Attorney General

June 14, 1962

To: Paul A. MacDonald, Secretary of State

Re: Mileage for the Executive Council

The question asked is stated in the following language:

"I have been requested by the Executive Council to make inquiry of you as to whether the provision of Section 31, Chapter 16 of the Revised Statutes, as amended by Chapter 415 of the Public Laws of 1957 relating to automobile travel by State Employees applies to members of the Executive Council."

Chapter 11, § 3, covers the pay and expenses of the executive council. This section provides that from January to adjournment of the legislature the council members shall receive the same compensation and travel as representatives to the legislature. The second sentence provides that at other sessions of the council the members shall receive \$20 for each session "*and actual expenses.*"

Section 44, Chapter 15-A (formerly § 31, chap. 16) as enacted by chapter 340, § 1, Public Laws 1957, provides that the state shall pay for the use of privately owned automobile for travel by employees of the state not more than 8c per mile for the first 5,000 miles and 6c per mile after 5,000 miles traveled in each fiscal year.

The latter section does not say that the figures paid for travel by employees are "actual expenses." The statute merely says that the state will pay not more than those amounts.

The Executive Council members are to receive "actual expenses" hence they are not bound by the provisions of section 44, chapter 15-A.

GEORGE C. WEST

Deputy Attorney General

June 20, 1962

To: Kermit S. Nickerson, Deputy Commissioner of Education

Re: Religious Instruction in Public Schools

This is in answer to your inquiry as to the legality of the rental or lease of a public building to a particular religious denomination for use outside of regular school hours.

It appears that the previous opinions of this office, which you referred to in your memorandum, do not rule directly on the question of leasing a public building to a religious denomination before or after regular school hours.

There is a split of authority in those states which have considered this prob-