

MAINE STATE LEGISLATURE

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no
August 5, 1964

Richard E. Reed, Executive Sec.

Maine Sardine Council

Leon V. Walker, Jr., Assistant

Attorney General

Sardine Tax

FACTS:

Stinson Canning Co. apparently intends to test the constitutionality of the Maine Sardine Tax Law. You have asked for an opinion on nine questions. We cannot at this time answer questions 1 through 6, nor question 9.

QUESTION 7:

Pending disposition of a court action, what should the Council do about its current programs and activities for which funds have been budgeted and commitments made?

ANSWER:

Continue business as usual.

QUESTION 8:

Is it permissible for the Council to use any of the tax paid by canners subsequent to the date on which the law is challenged for its programs and activities?

ANSWER:

Yes.

OPINION:

A law is presumed valid until such time as it is declared otherwise. Therefore, the Council should continue its normal activities, even after action is brought to have the tax declared invalid, until such time as collection of the tax should be enjoined or until such time as the Law Court should declare the tax unconstitutional.

Leon V. Walker, Jr.
Assistant Attorney General

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