

MAINE STATE LEGISLATURE

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July 13, 1966

Maynard C. Dolloff, Commissioner

Agriculture

John Wlodkowski, Assistant

Attorney General

State Stipend for Aid and Encouragement to Agricultural Societies.

FACTS:

(Based on correspondence between officials of the Department of Agriculture and the President of the Oxford County Agricultural Society.)

The Oxford County Agricultural Society, in anticipation of presenting the Oxford County Fair for the 1965 year, made several improvements to its race and cattle departments and to its exhibition hall. Subsequently, in August, 1965, the fairgrounds of the Society were taken by eminent domain proceedings and awarded to School Administrative District No. 17. As a result, the Oxford County Fair which was scheduled for exhibition by the Society was cancelled and the Society then made application to the Department of Agriculture for reimbursements under the Stipend Fund with respect to the improvements it had made in 1965.

In denying the application of the Society for reimbursements, the officials of the Department of Agriculture have taken the position that a society cannot be considered a recipient of state aid until it has qualified for such aid by conducting a pari-mutuel race in conjunction with its annual fair.

QUESTION:

Whether the position of the Department of Agriculture, as stated above, is legally correct?

ANSWER:

Yes.

OPINION:

To help aid in the promotion of agriculture, the Maine Legislature has provided for funds, known as "the state stipend for aid and encouragement to agricultural societies." 7 M.R.S.A. § 62. However, with respect to the disbursement of these funds, the Legislature has stipulated that an allotted amount shall be divided for reimbursements in equal amounts to each recipient of the Stipend Fund which conducts pari-mutuel racing in conjunction with its annual fair if said recipient has improved its racing facilities and has met the standards for facility improvements set by the Commissioner for said recipients." Ibid.

From the foregoing, it is quite evident that the stipend authorized by statute is conditioned on the running of a race in association with the sponsored fair. Since the statutory condition precedent was not complied with, the right to such aid was properly denied.

John Wlodkowski
Assistant Attorney General

JW/slf