

MAINE STATE LEGISLATURE

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October 2, 1967

S. F. Dorrance, Asst. Director
Leon V. Walker, Jr., Assistant

Agriculture, DAI
Attorney General

P.L. 1967, Chapter 31 - Distribution of Stipend Fund

This is in reply to your memorandum of September 26.

Subject law amends 7 M.R.S.A. § 62, by including the owner of the harness racing track at Gorham as a recipient of the Stipend Fund for reimbursement for facility improvements. This law becomes effective on October 7.

You have two questions:

1. In meeting the "standards for facility improvements set by the commissioner" will expenditures of funds prior to October 7 be counted?

It is our opinion that such expenditures cannot be considered, since there is no retroactive provision in the law.

2. Will the reimbursement payment which otherwise might be due to the owner of said track for 1967 be reduced because the law has been applicable to such owner for only part of a calendar year?

Except that the improvements must have been made before the end of the calendar year, time is not an element in considering eligibility for reimbursement from the Fund. The question is whether the owner has improved its racing facilities and has met the standards for facility improvements set by the commissioner. Thus, if Gorham obtains a standard from the commissioner for improvements for 1967, and actually meets such standard before the end of the year, it is our opinion that it is eligible for reimbursement equal to that of the other recipients.

LWVJr:H

Leon V. Walker, Jr.
Assistant Attorney General