

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date March 20, 1975

To Maynard C. Dolloff, Commissioner

Dept. Agriculture

From David Roseman, Assistant

Dept. Attorney General

Subject State Stipend to Agricultural Fairs

I have your memo of January 22, 1975, and the letter of January 2 to which you refer concerning the state stipend for agricultural fairs. Specifically, you have asked for an interpretation of that sentence in 7 M.R.S.A. § 62 which states:

"No society shall receive any portion of the stipend in excess of \$10,000, except that such limitation shall not apply to any additional stipend provided for by Title 8, section 274 or 333."

The primary rule of statutory construction is to determine Legislative intent. Reggep v. Lunder Shoe Products Company, 241 A.2d 802 (Me., 1968). In order to ascertain the intent of the Legislature, the history of the statute may be considered. Hutchins v. Libby, 103 A.2d 117 (Me., 1953). "If any ambiguity exists in a statute resort may be had to the original to aid construction." Jeness v. State, 64 A.2d 184, 187 (Me., 1949). Section 16 of Chapter 27 of the Revised Statutes of 1944 (from which 7 M.R.S.A. § 62 is derived) read in applicable part as follows:

"There shall be appropriated annually from the state treasury a sum of money not to exceed 2¢ per inhabitant of the state, which shall be known as the state stipend for aid and encouragement to agricultural societies and hereafter designated as the 'stipend.' . . . No society shall receive any portion of the stipend in excess of \$3,000."

By Chapter 388, Sections 1 and 2, of the Public Laws of 1949, the statute was amended as follows: (words added have been underlined)

"There shall be appropriated annually from the state treasury a sum of money not to exceed 2¢ per inhabitant of the state and an additional sum of money equal to 5% of the amount contributed under the provisions of section 16 of chapter 77, and an additional sum of money as provided and limited by the provisions of section 15 of chapter 77. . . . (8 M.R.S.A. § 274 is derived from section 15 of chapter 77) No society shall receive any portion of the stipend in excess of \$5,000, except that such limitation shall not apply to any additional stipend provided for by the provisions of section 15 of chapter 77."

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There can be no doubt that it was the intent of the Legislature to exempt from the \$5,000 money limitation (now \$10,000) any stipend money received by the Treasurer of State pursuant to section 15 of chapter 77 (now 8 M.R.S.A. § 274) and disbursed to individual societies pursuant to the formula set out in section 16 of chapter 27 (now 7 M.R.S.A. § 62). While there have been numerous amendments to the statute since that time, and while the formula for disbursement of funds has changed, there is nothing in the history of the statute to indicate any change in this Legislative intent. Furthermore, by chapter 423, section 1, of the Public Laws of 1953, the statute was amended as follows: (words added have been underlined)

"No society shall receive any portion of the stipend in excess of \$10,000, except that such limitation shall not apply to any additional stipend provided for by the provisions of section 15 of chapter 77 or the provisions of section 13 of chapter 77-A" (from which 8 M.R.S.A. § 333 is derived).

Here, too, it is clear that the Legislature similarly intended to exempt from the \$10,000 limitation any stipend money received by the Treasurer of State pursuant to what is now 8 M.R.S.A. § 333 and paid out to individual societies. Again, there is nothing to indicate that this Legislative intent has been changed.

Thus, stipend money that is received by the Treasurer of State pursuant to 8 M.R.S.A. § 274 and § 333 and disbursed pursuant to the formula set out in 7 M.R.S.A. § 62, is not to be used in determining whether an individual society has received in excess of \$10,000. Furthermore, there is no statutory limit on the amount of the aforementioned funds (for clarity they may be called Title 8, § 274 and § 333 funds) which may be received by a society. Any other money received by a society pursuant to the formula of 7 M.R.S.A. § 62 (for clarity they may be called the 3¢ per inhabitant fund and the Title 8 § 275 fund) is subject to the \$10,000 limitation.

By reference you also raise the question of whether, given the interpretation above, it is possible that the stipend fund may accumulate money which, under present law, could not be distributed. If the 3¢ per inhabitant fund and the Title 8 § 275 fund are classified and placed into revenue or appropriation accounts (they appear to be appropriation accounts), 5 M.R.S.A. § 1544 (balance not otherwise provided for) tells what is to be done with any surplus. If another type of account is involved, there is no similar statutory provision stating what is to be done with a surplus. In the latter case it would be wise to add specific legislation so that there would be no question with respect to the distribution of accumulated funds.


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Assistant Attorney General

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