

MAINE STATE LEGISLATURE

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Inter-Departmental Memorandum Date May 6, 1977

To H. Sawin Millett, Jr., Commissioner Dept. Educational & Cultural Services
From Waldemar G. Buschmann, Assistant Dept. Attorney General
Attorney General
Subject "George M. Briggs Fund"

The following is the result of an oral request for an interpretation of the language contained in the "George M. Briggs Fund" as established under his will dated April 24, 1939. (Appendix A.)

FACTS:

Washington County Vocational-Technical Institute has applied to the Economic Development Administration of the U.S. Department of Commerce for a \$1,050,000 grant to establish a marine trades education center in Eastport. The Administration indicates that it will approve the grant; final approval is not expected until mid-May, 1977.

A \$450,000 local matching grant is being solicited from private corporations, foundations, and individuals. The plan is to use a local matching grant to purchase a desirable site, presently under option, which has an appraised value of \$450,000.

The federal funds will be used to renovate and equip existing buildings at the Eastport site. The proposed site, owned by the Development Credit Corporation of Maine, can be purchased for \$330,000. Written and verbal pledges in the amount of \$231,000 have been received.

To help close the gap in the local matching fund, it is requested that the State Board of Education grant up to \$90,000 from the "George M. Briggs Fund" toward the purchase of the Eastport site for the Marine Trades Education Center.

QUESTION:

Would it be proper for the State Board of Education at its May 11th, 1977, meeting to approve the use of up to \$90,000 from the "George M. Briggs Fund" to supplement the proposed federal grant for the Marine Trades Education Center at Eastport? (Appendix B.)

ANSWER:

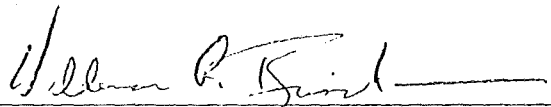
Yes. "The George M. Briggs Fund," as set forth in his will dated April 24, 1939, states that "The Commissioner of Education, or

May 6, 1977

his successors in said office," (the present Commissioner of Educational and Cultural Services) shall disburse the income from the fund for "special purposes" in the field of vocational education. "Such special purposes" must "first meet the approval of a majority of the State Board of Education." The fund must be used "with the view of enabling the young people of Maine to be qualified to become self-supporting and useful citizens of the State."

The above guidelines will be met if the State Board authorizes the use of the money in the "George M. Briggs Fund" as requested. First, the money will be disbursed for the purposes of vocational education as required under the terms of the fund. Second, the goal of the Marine Trades Education Center in Eastport will be to educate the youth of Maine in the skills necessary to earn a living in the coastal communities of Maine.

It is my opinion that the special purpose use of the George M. Briggs Fund, proposed by WCVTI, would be within the guidelines identified in George Brigg's will.



Waldemar G. Buschmann
Assistant Attorney General

Attachments - 2

WGB:va

State of Maine

Androscoggin, ss.

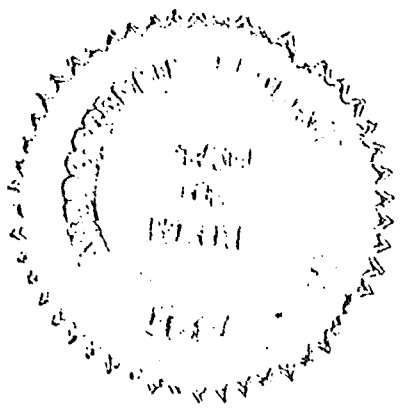
Register of Probate

I, Donat J. Levesque, Register of the Probate Court for said County of Androscoggin, having by law the custody of the seal, and all the Records, books, documents and papers of, or appertaining to said Court, hereby certify the papers hereto annexed to be true copies of papers appertaining to said Court, and on file and of record in the Office of said Court, relating to the Estate of GEORGE MILLETT BRIGGS late of Turner in the County of Androscoggin, State of Maine, deceased, viz:

An instrument purporting to be the Last Will and Testament of said deceased.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Court this twenty-fourth day of January in the year of our Lord one thousand nine hundred and forty-four.

[Handwritten signature of Donat J. Levesque]
Register of Probate Court.



Be it Remembered that I, George Millett Briggs of Turner in the County of Androscoggin and State of Maine, being of lawful age and of sound and disposing mind and memory, but mindful of the uncertainty of life, do make, publish and declare this my last will and testament, hereby revoking all former wills by me made.

After the payment of my just debts, funeral charges and expenses of administration, I dispose of my estate, as follows:

First: I give and bequeath to the Maine Womens Christian Temperance Union, a corporation existing under the laws of Maine, one hundred dollars (\$100.00).

Second: I give and bequeath to the Lewiston Trust Company, two hundred dollars (\$200.00), to be held by it in trust, the income thereof to be paid annually by it to the Treasurer of the North Auburn Cemetery Association, to be used for the perpetual care of my lot in said Cemetery in which I am to be buried.

Third: I intentionally omit to make any provisions in this will for the benefit of either of the children of my deceased son, the late Charles Arthur Briggs.

Fourth: All of the rest, residue and remainder of my estate, I give and bequeath to the Lewiston Trust Company, a Banking Corporation existing in Lewiston, Maine, to be held by it in trust with power to invest the same in a safe and productive manner, with the object always to be taken into account of safeguarding the principal of said fund from loss or diminution and at the same time to produce an income thereon. Any reasonable charges and expenses for managing the principal of the trust fund are to be paid out of its income and any taxes assessed by any local, state or federal agency, against the fund or the property in which it or any part of it may be invested, are to be paid out of the income thereon, and if any loss of principal should occur it is to be restored and made good as soon as possible out of the income on said fund to the same aggregate amount and value as when first taken over by said trustee.

And subject to the foregoing provisions and conditions the net income of said trust fund is to be paid by said trustee, semi-annually, to the Commissioner of Education of the State of Maine, or his successors in said office, and the same by him to be deposited in a special account with the Treasurer of the State of Maine, designated "George M. Briggs Fund", to be drawn by the Commissioner of Education, or his successors in said office, and disbursed by him for Vocational Education within the terms of the limitations of the testamentary provisions in this will, and for such special purposes as may first meet the approval of a majority of the State Board of Education as it may be constituted at the time of said disbursement, with the view of enabling the young people of Maine to be qualified to become self-supporting and useful citizens of the State.

Fifth: I hereby nominate the said Lewiston Trust Company to be both executor and trustee under this will.

In Testimony Whereof, I hereunto set my hand and seal and declare this to be my last will and testament, this twenty-fourth day of April in the year of our Lord one thousand nine hundred and thirty-eight at Auburn, Maine.

George Millett Briggs (seal)

Signed, sealed, published and declared by the above named George Millett Briggs as and for his last will and testament, in the presence of us who, at his request, in his presence, and in the presence of one another, hereto subscribe our names as witnesses thereto, on this twenty-fourth day of April A. D. 1938 at Auburn, Maine.

Ethelde M. Green

James A. Pulsifer

Delbert P. Dunn

State of Maine
Department of Educational and Cultural Services
Augusta

May 11, 1977

To: Members of the State Board of Education
From: H. Sawin Millett, Jr., Commissioner
Subject: Request Authorization to Use the Briggs Fund to Supplement the Proposed Federal Grant for the Marine Education Center at Eastport

We are requesting authorization to use \$90,000 from the Briggs Fund to supplement the proposed federal grant for the Marine Education Center at Eastport.

Background

Washington County Vocational-Technical Institute has applied to the Economic Development Administration of the U. S. Department of Commerce for a \$1,050,000 grant to establish a Marine Trades Education Center at Eastport. The EDA indicates that it will approve the grant, but final approval is not expected until mid-May.

A \$450,000 local matching grant is being solicited from private corporations, foundations, and individuals. The plan is to use the local matching grant to purchase a desirable site, presently under option, which has an appraisal value of \$450,000.

The federal funds will be used to renovate and equip existing buildings at the Eastport site. The proposed site, owned by the Development Credit Corporation of Maine, can be purchased for \$330,000. Written pledges in the amount of \$201,000 have been received. Verbal pledges have been made for an additional \$30,000.

To help close the gap in the local matching fund it is requested that the State Board of Education grant to this project \$90,000 from the George Briggs Trust to be transferred to the escrow account of Fenton, Griffin, Chapman, Burrill (agent account number 176 801 1581 4) toward purchase of the Eastport site for the Marine Trades Education Center.

Purpose of the Briggs Fund

To be drawn upon by the Commissioner of Education for such special purposes as may first meet the approval of the majority of the State Board of Education, with a view of enabling the young people of Maine to be qualified to become self-supporting and useful citizens of the State.

Written Pledges

Private Individuals	\$ 66,000	
Private Foundations	120,000	
Corporations	<u>15,000</u>	
		\$201,000

Verbal Pledges

Private Individuals	<u>30,000</u>	<u>30,000</u>
		231,000

Purchase Price of Site

330,000

Short Fall \$ 99,000

I recommend that the State Board of Education approve up to \$90,000 from the Briggs Fund to supplement the proposed federal grant for the Marine Education Center at Eastport.