

# MAINE STATE LEGISLATURE

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Maine Potato Council Funding

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JOSEPH E. BRENNAN  
ATTORNEY GENERAL



RICHARD S. COHEN  
JOHN M. R. PATERSON  
DONALD G. ALEXANDER  
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

July 26, 1978

Marilyn Proulx, Executive Secretary  
Maine Potato Commission  
Box 71  
Agricultural Center  
Presque Isle, Maine 04769

Dear Marilyn:

This is in response to your oral request for an opinion as to the proper method for ascertaining the amount of funds due to the Maine Potato Council. This memo is intended to supplement my memorandum to you dated July 10, 1978, on the same subject.

You have now inquired whether the payments mandated by Chayter 653 of the Public Laws of 1977 are to be paid based on 20% of the estimated annual revenues or on 20% of the actual revenues per quarter. As previously indicated, the statute provides that:

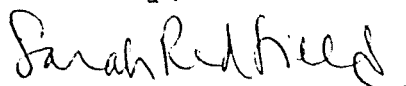
"Subject to the provisions of this section, 20% of the total monies received in any given year under section 4565 shall be paid quarterly to the Maine Potato Council which shall use those funds for improvements in the coordination of efforts to improve the potato industry. . . ."

The use of the word "received" under this section appears to indicate the legislative intent that monies paid to the Council reflect monies actually received as potato tax by the Maine Potato Commission. Such an interpretation is consistent with the usual State financial policy for similar statutory provisions and circumstances. Accordingly, it would be most appropriate for you to pay 20% of the first quarter's receipts based not on an estimate but on actual receipts of the State.

My discussion of the estimated revenues for the ensuing fiscal year in my memo of July 10, 1978, was meant simply to ascertain whether it could be anticipated that the Council would in fact get more or less than the amounts allocated by the January 23 vote of \$54,810. Upon further review, I would suggest that the Commission now pay the amounts allotted by its prior vote for the months of July and August and pay the remaining amount of the 20% required by statute based on revenues actually received for the first quarter. If the deficit or lack of payment for the month of September will cause an undue burden for the Maine Potato Council, I suggest that you may wish to discuss this matter further with the State Controller to see if some interim arrangement might be made.

I hope this has been of some help to you in clarifying our earlier advice. If I can be of further assistance, please feel free to let me know.

Sincerely,



SARAH REDFIELD  
Assistant Attorney General

SR:mfe

cc: Maine Potato Council  
Joseph Williams  
Richard Dieffenbach