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DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

December 4, 1979

Richard B. Burnham, Director
Administration Division
Department of Agriculture
State House
Augusta, Maine 04333

Dear Mr. Burnham:

This is in response to your request for an interpretation of P.L. 1979, c. 124, regarding the qualifications of certain fairs for the State stipend. A review of your memorandum appears to indicate that there are various possible factual combinations which will influence a fair's qualification for a State stipend. You have asked in particular whether a fair which does not pay a \$750 stipend in 1979 may be eligible for a stipend in 1980. As discussed further herein, there are circumstances where such a fair would be eligible for a 1980 stipend.

Generally, the provisions of Title 7 M.R.S.A. § 61, et seq. provide the statutory framework for State subsidies of certain agricultural activities. Title 7 M.R.S.A. § 62 establishes a State stipend fund "for aid and encouragement to agricultural societies" and outlines the method for determination of the amount of stipend to be paid to certain fairs and to certain agricultural societies. Prior to the enactment of P.L. 1979, c. 124, this statute provided that to qualify for a State stipend, a society must have paid "a minimum of \$500 on premiums, exclusive of those for horse and ox pulling contests" and must have been "duly licensed pursuant to section 65." By enactment of chapter 124 of the Public Laws of 1979, the Legislature sought to provide additional requirements for qualifications for a State stipend.

As revised, Title 7 M.R.S.A. § 62.2 now provides that a stipend will be available to a society which:

"A. Pays a minimum of \$750 on premiums for 3 consecutive years for agricultural displays of the products of agriculture, exclusive of those for horse and ox pulling contests, except that any society which qualified for a stipend prior to the effective date of this paragraph shall not be required to pay premiums for 3 consecutive years;

B. Is duly licensed pursuant to section 65;
and

C. Continues to pay \$750 on premiums yearly for an agricultural display of the products of agriculture exclusive of those for horse and ox pulling contests." (Emphasis supplied)

This section became effective on September 14, 1979.

The standard principles of statutory construction require that in interpreting a statute, the words be given their plain meaning and that various provisions of statutes be read together as an administrative whole. See generally Title 1 M.R.S.A. § 72, Finks v. Maine State Highway Commission, 328 A.2d 791 (Me. 1974). Applying these principles to the amendment of Title 7 M.R.S.A. § 62.2, it appears that any society which seeks State stipend must be in compliance with the provisions of § 62.2, ¶¶ A, B, and C. In order to comply with the provisions of ¶ A, a society must either have qualified for a stipend prior to September 14, 1979, or have paid a minimum of \$750 on premiums for three consecutive years for agricultural displays of the category indicated. Accordingly, any fair which qualified for a State stipend for fairs held in 1979 or any year prior thereto will meet the conditions of § 62.2.A. Any other fair must pay a minimum of \$750 on premiums for three consecutive years to qualify.

Regardless of which category a fair comes in within the provisions of § 62.2.A, it must also meet the provisions of § 62.2.B and § 62.2.C. Compliance with § 62.2.B appears to be easily documented.

As to § 62.2.C, the language of substantive significance is "continue to pay \$750." The use of the word "continue" indicates that regardless of how a fair qualified, it must pay the amount specified per year in order to receive a State stipend. However, the implication of an effective date of September 14, 1979, is that if a fair was not held in 1979, or if the proper amount was not paid in 1979, a fair might still qualify for a stipend in 1980. However, any fair which has once qualified under ¶ A but which does not pay a premium yearly in the amounts specified in 1980 or any year thereafter would not be in compliance with ¶ C and then would be required to comply with the three consecutive year provisions of ¶ A.

In brief, any society which qualified for a stipend, for example, in 1978, would meet the requirements of ¶ A. Assuming that it is duly licensed and pays the stipend in 1980, it would also meet the requirements of ¶¶ B and C regardless of its actions in 1979. The provisions of ¶ C are not applicable until September 14, 1979, and therefore not applicable to fairs until the 1980 season.

This interpretation is supported by the legislative Statement of Fact which indicated that "27 fairs were developed this past season. Eligibility previously was established by a \$10 license fee. This bill would make the new fairs meet qualification standards for three years before becoming eligible for State stipend monies." Legislative Documents of 1979, L.D. 91 (Emphasis supplied).

The preceding is a general review of the applicable statutory provisions. I realize that there may be certain specific fact situations which require further analysis. If you need further assistance, please let me know.

Sincerely,



SARAH REDFIELD
Assistant Attorney General

JR/ec

cc: Stewart Smith