

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

April 29, 1952

To Fred M. Berry, State Auditor

Re: Interpretation of "Properly Avouched"

This office is in receipt of your memo relative to an interpretation of section 25 of Chapter 37 of the Revised Statutes of 1944, which reads as follows:

"No money appropriated by law for public schools shall be paid from the treasury of any town except upon written order of its municipal officers; and no such order shall be drawn by said officers except upon presentation of a properly avouched bill of items, said bill of items having first been approved by a majority of the members of the superintending school committee and certified by the superintendent of schools."

In answer to your question whether the law permits the selectmen to authorize payment of bills as submitted by the school board on a roll of accounts without substantiating these charges with original invoices, it is our opinion that a properly avouched bill of items would be either the original invoices or a certified copy of the original invoices.

JAMES G. FROST
Deputy Attorney General

April 30, 1952

To W. Earle Bradbury, Deputy Commissioner, Inland Fisheries and Game

Re: Certain Expenditures from Dedicated Revenue

This will acknowledge your memo of April 22, 1952, relative to the interpretation of paragraph 10 of Section 63 of Chapter 33 and Section 110 of that chapter of the Revised Statutes of 1944. The latter provides:

"All fees, fines and penalties recovered and money received or collected shall be paid to the treasurer of state and credited to the department of inland fisheries and game for the operation of fish hatcheries and feeding stations for fish, for the protection of fish, game and birds, and for printing the report of said commissioner and other expenses incident to the administration of said department, and shall be expended by the said commissioner for the purposes for which said department is created."

You ask: "Can a portion of the funds received under the two sections quoted above legally be expended for 'Educational Purposes' so-called or Public Relations and Publicity?"

Consideration of the definition of the term "administration" is necessary in answering your question. The word "administration" means managing or conducting an office or employment; performance of the executive duties of an institution, business or the like. Administration of a department is analogous to administration of statutes, and regardless of desirability, activities which are not reasonably to be classed as a cost of administration are not permissible.

In the case of a department of the State of Maine, "other expenses incident to the administration of said department" means expenses incurred in managing the department in such a way that it will function within the statutes and in a direction leading ultimately to the aims of the statutes relating to that