

MAINE STATE LEGISLATURE

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Yes

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 analagous 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 department. Thus, expenditures by a department for a purpose outside the sphere of its activity, as delineated by the statute would be improper. By our interpretation, the phrase, "and other expenses incident to the administration of said department," might read: "incident to the managing in a manner not inconsistent with the statutes relating to said department."

It is our opinion, applying the principles above stated, that any extended educational program including the accompanying public relations and publicity over and beyond the accompanying public

contact customarily engaged in by a department of the State must first receive the approval of the legislature.

Our attention has not been directed to, nor have we been able to find, any provision in Chapter 33 which would permit of a full-time educational service.

Alexander A. LaFleur
Attorney General

jgf/c