

MAINE STATE LEGISLATURE

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STATE OF MAINE

INTER-DEPARTMENTAL MEMORANDUM

Dated July 14, 1964

Mr. Edgar F. Hanz, Commissioner

Dept. Mental Health and Corrections

Commissioner of D. Dept. and Corr. Council

Dept. Attorney General

Subject: Funds Within the Department of Mental Health and Corrections - Disposition of
Properties

STATE:

At the present time farms are operated at six of the institutions under the control of the Department of Mental Health and Corrections. Changing needs and programs at said institutions, may, from time to time, make it desirable and necessary to transfer farm equipment, supplies and funds between institutions and to transfer the administrative supervision of the farm operation from the superintendent of one institution to that of another.

It may further become desirable and necessary to sell farm equipment and supplies, or to abolish entirely, farm operations at any one of said institutions.

QUESTIONS: (1)

Has the Commissioner of Mental Health and Corrections authority to transfer between institutions, farm equipment and supplies?

ANSWER: (1)

Yes

QUESTIONS: (1)

During the general supervision, management and control of the property of all institutions, under the Department of Mental Health and Corrections, the Commissioner of said department, there being no laws limiting transfers of equipment and supplies within a department, has authority to transfer farm equipment and supplies from one institution to another.

QUESTIONS: (2)

Has the Commissioner of Mental Health and Corrections sole authority to transfer farm funds from one institutional farm account to that of another?

ANSWER: (2)

No.

QUESTIONS: (2)

Transfer of funds from one institutional farm account to another may be made by the Commissioner only upon the approval of the Governor and Executive Council. Revenues of 1963, chapter 109.

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QUESTION: (3)

Has the Commissioner of Mental Health and Corrections authority to transfer the administrative supervision of a farm operation from one institutional superintendent to another?

ANSWER: (3)

Yes

QUESTION: (3)

Under R.S. 1934, c. 27, §1, as amended, granting to the Department of Mental Health and Corrections, general supervision, management and control of the " . . . grounds, buildings and property . . . " of all of the institutions under its control the Commissioner of said department has the authority to transfer the administrative supervision of any of the institutional farms from the superintendent of one institution to that of another; except that, he does not have the authority to transfer the administrative supervision of the State Prison Farm at So. Verrum, Maine, from the Warden of the Prison, to any other institutional head, since, said farm is created by Statute and made a part of the Maine State Prison and subject to the immediate control of the Warden. R.S. 1934, c. 27, §19.

QUESTION: (4)

Has the Commissioner of Mental Health and Corrections authority to sell farm equipment, supplies or land?

ANSWER: (4)

No

QUESTION: (4)

The sale of institutional farm equipment, supplies or land, shall be effected as follows: Farm equipment and supplies may be sold by the Director of the Bureau of Purchases under authority vested in him by R.S. 1934, c. 19-A, §34, Sub-part VI. The sale of institutional farm lands may be effected only by the Governor and Council or other designated State Official duly authorized by Resolve adopted by the Legislature, which Resolve would describe the particular parcel to be sold.

QUESTION: (5)

Has the Commissioner of Mental Health and Corrections sole authority to discontinue any institutional farm operation and to dispose of farm equipment, supplies, funds and lands?

ANSWER: To discontinue; Yes

To dispose of property; only the transfer of equipment and supplies within the department

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REMARKS: (5)

The Commissioner of Mental Health and Corrections having the general supervision, management and control of all institutional buildings, grounds and property may discontinue by virtue of such authority any of the institutional farm operations; however, the course of events, which may follow such discontinuance, may include many of the procedures upon which opinions are rendered above, e.g., the transfer of funds from one farm account to another, the transfer of farm equipment or supplies from one institutional farm to another, or the sale thereof, or the sale of institutional farm lands. The only one of said procedures over which the Commissioner has sole authority is the transfer of farm equipment and supplies from one institutional farm to another. Other procedures are as otherwise herein described.

Courtland B. Parry
Assistant Attorney General

CUR/E