

MAINE STATE LEGISLATURE

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August 7, 1964

Ruth A. Hazelton, State Librarian

Library

George C. West, Deputy

Attorney General

**State Librarian's Right to Receive Federal Funds Under
Library Services and Construction Act.**

FACTS:

Congress has enacted a Library Services and Construction Act by which money paid to the Federal Government by the taxpayers is available to the states for assistance to local libraries. The Act is divided into two parts, library services and library construction. The problem seems to concern the state's eligibility for construction funds.

QUESTION:

Does the State Librarian have the authority to receive and administer the federal grant for the purpose of constructing public library facilities?

ANSWER:

Yes.

OPINION:

R. S. 1954, C. 42, § 12, limits the direct authority of the State Librarian to receive and administer federal grants to promote library services. It does not authorize receipt of such grants for library construction.

However, our general statute, R.S. 1954, C. 11, § 15, authorizes the Governor with the advice and consent of the Council to "authorize and direct departments and agencies of the state" to assume duties necessary to carry out the purposes of federal acts granting funds to the state.

The Governor with the advice and consent of the Council can designate the State Librarian as the agency to receive and regulate the federal grants for public library construction.

QUESTION:

Would a local library appealing a decision of the State Librarian have recourse to the courts of the state?

ANSWER:

See opinion below.

OPINION:

There is no statute giving this right to any person so aggrieved, under similar circumstances. It is possible that the court would allow an appeal in the form of an extraordinary writ such as certiorari. However, I cannot state positively that a local library would have recourse to the courts.

QUESTION:

Does the state law require that ownership of a public library be in the municipality?

ANSWER:

No.

OPINION:

R. S. 1954, C. 42, § 34, provides:

"Any town or city in which there is a library owned or controlled by a corporation or association or by trustees may levy and assess a tax and make appropriation therefrom annually to procure from such library the free use of its books for all the inhabitants of the town or city, under such restrictions and regulations as shall insure the safety and good usage of the books; and such library shall then be considered a free public library within the meaning of this chapter and said town or city shall be entitled to the benefits of the preceding section."

Thus, a library controlled by a corporation or association may be a free public library under the conditions outlined above.

GCW:H

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Deputy Attorney General