

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
Inter-Departmental Memorandum

Date October 9, 1964

To Walter F. Ulmer, Commissioner Dept Mental Health and Corrections

From Courtland D. Perry, Asst. Atty. Gen'l. Dept Attorney General

Subject Use of Funds from General Fund Bond Issue for Staff Apartment at Stevens Training Center

FACTS:

By P & S L 1959, c. 175 the Legislature authorized the General Fund Bond Issue, which included authorization of \$11,700, for "School for Girls, Engineer's Apartment . . . ."

Prior to the ratification of the Bond Issue it became necessary to provide family living quarters for a new Superintendent at Stevens Training Center. Space utilized for the Superintendent's quarters was that previously intended to be used for the proposed Engineer's Apartment. Funds for the Superintendent's apartment were not immediately available, therefore, \$7,000 was transferred by authorization of the Governor and Council from a Personal Services Account at the Pineland Hospital and Training Center to a Stevens Training Center Capital Improvement Account. These funds being insufficient to complete the Superintendent's apartment the sum of \$2,000 was drawn from the Construction Reserve Fund, which amount was later repaid into the Construction Reserve Fund from the amount authorized by the Legislature, and allocated for the construction of the "School for Girls, Engineer's Apartment", leaving a balance of \$9,700 unexpended.

QUESTION:

May the sum of \$9,700 unexpended from the appropriation provided under the General Fund Bond Issue be expended in the construction of an apartment for a staff member at Stevens Training Center?

ANSWER:

Yes.

OPINION:

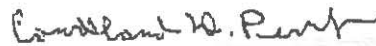
Although, the Legislature authorized \$11,700 for the construction of an apartment for a particular class of employee, i.e., engineer, it is our opinion that the purpose of the Act with respect to the \$11,700 was to provide funds for the construction of an apartment for a staff member considered by the administration of the Department of Mental Health and Corrections, to be a priority position requiring residence on the institutional grounds. It cannot be said that the Legislature intended as the purpose of the Act in question that an engineer, and no other person could live in an apartment constructed with the \$11,700. Such a result would be absurd, since, with changes in institutional and departmental administration, and program, priorities with respect to personnel required to live on institutional grounds may change and there may be no need for a resident engineer. To literally interpret "Engineer's Apartment", in the event of such change might result in a vacant apartment; a waste certainly not intended by the Legislature.

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Events in 1959 point out how rapidly the needs of an institution can change; in that, the hiring of a new Superintendent adjusted the priorities with respect to the Erskine Building, a part of which had been intended to be renovated as the Engineer's Apartment, and it became necessary to make immediate alterations of this building for the use of the new Superintendent. The sum of \$2,000 of the \$11,700 was utilized in the completion of the Superintendent's apartment, and properly so, in our view.

The sum of \$9,700 remains unexpended from the original amount authorized for the construction of an "Engineer's Apartment" at Stevens Training Center. It is our opinion that such funds, since they do not lapse, but carry over from year to year, remain available for the construction of an apartment for an engineer at the institution, or for the construction of an apartment for another staff member, if, in the opinion of the administration of the institution and the department another staff member is needed for institutional residence.



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Courtland D. Perry  
Assistant Attorney General

CDP/f

Reference: Opin. A.G. September 18, 1962  
General Fund Bond Issue--Abandonment of Purpose