

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

June 1, 1967

Richard D. Collins, Executive Director

Arts and Humanities

John W. Benoit, Assistant

Attorney General

Commission on the Arts and Humanities Authority to Contract

FACTS:

In order to achieve the goals which are set forth in 27 M.R.S.A. § 401, et seq., the reference Commission must work directly with writers, artists, architects, designers, news media, publishers, printers, etc. We are informed that if the Commission is to have influence on the development of their programs and services, that it must have direct contact with the plural groups mentioned herein. Such contact may very often involve contracts.

QUESTION:

Is the Commission authorized to enter into contracts to conceive, create, execute, and complete works of art, design, publications and similar work within the limits of the funds available therefor?

ANSWER:

Yes, but subject to the provisions of Title 5, Chapters 141 to 155, inclusive, of the Maine Revised Statutes.

REASON:

The Maine Statutes, 27 M.R.S.A. § 405, authorize the Commission to, inter alia, enter "into contracts, within the limit of funds available therefor, with individuals, or organizations, and institutions for services furthering the educational objectives of the Commission's program." The reference statutory provision authorizes the Commission to contract for services tending to further the educational objectives that are set forth in Title 27, c. 15 of the Maine Revised Statutes; but the latter statutory provisions should be read in light of the legislative directive appearing in 5 M.R.S.A. chapters 141 to 155, inclusive, specifically, to sections 1811 and 1812 of Title 5 wherein the Legislature has decreed that the Department of Finance and Administration, through the Bureau of Purchases, is authorized to purchase all services,

supplies, materials and equipment required by State government or any department or agency of State government. Note the language appearing in section 1812 defining the terms "services", "supplies", "materials" and "equipment" as including "any and all printing, binding, publication of laws, journals and reports." The reference Commission is not exempt from the provisions of the reference statutes.

John W. Benoit
Assistant Attorney General

JWB/eh