

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

For the Years
1967 through 1972

420, 185 A.2d 744 (1962). The making of bylaws by an authority is analogous to the adoption of municipal ordinances. The ordinance-making powers of municipalities are found at 30 M.R.S.A. §§ 2151-2155 (1964).

There are no statutory grants to Maine counties of powers similar to those granted housing authorities under the statute first above cited.

There are no statutory provisions giving Maine counties or municipalities those powers granted to housing authorities under 30 M.R.S.A. § 4651(3) (1964). The power of municipalities to contract generally has been set out above.

There are no statutory provisions giving Maine counties or municipalities the powers, or imposing the conditions, of 30 M.R.S.A. § 4651(4) (1964). The power of municipalities to contract generally has been set out above.

A municipality may appropriate money for the purchase of real and personal property from the Federal Government. 30 M.R.S.A. § 5109 (3) (Supp. 1967). A municipality may also apply for and accept federal grants for any purpose for which federal grants are made available to municipalities either directly or through the State. 30 M.R.S.A. § 5109 (1) (Supp. 1967). Only to such extent does a municipality have powers similar to those given to housing authorities under 30 M.R.S.A. § 4701 (1964). Counties have no such powers.

ANSWER NO. 3:

Since we have, in effect, answered Questions No. 1 and No. 2 in the negative, we therefore consider Question No. 3 moot.

ROBERT G. FULLER, JR.
Assistant Attorney General

July 18, 1968
Economic Development

Stanley Shalek, Adm. Assist.

Trade Discount on a State Publication

SYLLABUS:

A state department cannot sell publications which are the result of the expenditure of public funds absent statutory authority to do so.

FACTS:

In your memorandum submitted to this office under date of June 19, 1968, it is stated that the Department of Economic Development has announced publication of a "Maine Statistical Abstract". To recuperate part of the cost of printing and distribution involved, the Department has established a price of \$3.00 per copy for said publication. A book vendor has requested a trade discount, so that he may realize a profit in offering said state publication for sale. It is stated that all funds received from the sale of the publication will be placed in the General Fund. You have asked two questions relative to the proposed sale of the "Maine Statistical Abstract".

QUESTION NO. 1

Is there a state statute which prohibits selling a state publication at a discount rate?

ANSWER:

No, see opinion.

QUESTION NO. 2:

Is there a limitation on the amount of a discount which may be allowed to a retailer of state publications

ANSWER:

No, see opinion.

OPINION:

The answers to the above-stated questions are rendered moot by the answering of a question not asked in your memorandum, and that is: "May the Department of Economic Development print and distribute for sale to the general public a publication, absent express statutory authority to do so?" We answer said question in the negative.

The Commissioner of the Department of Economic Development is authorized to establish a price for publications of the Maine Geological Survey which may be sold and delivered and also for certain United States Government Publications, 10 M.R.S.A. § 651. There is no statutory authority which provides that the Commissioner may authorize the sale of any other publications prepared by the Department, however. This being the case, we fail to see how the "Maine Statistical Abstract" can be offered for sale by the Department.

It is true that certain state departments do offer publications for sale. For example, P. L. 1965, c. 101 (12 M.R.S.A. § 1965) gave the Commissioner of Inland Fisheries and Game the authority to affix price tags to certain publications of that Department. However, absent the statutory authority set forth in P. L. 1965, c. 101, the Commissioner of Inland Fisheries and Game would not possess the implied authority to offer departmental publications for sale.

PHILLIP M. KILMISTER
Assistant Attorney General

July 25, 1968
Personnel

Willard R. Harris, Director

Effect of Me. Public Laws 1967, ch. 542 upon the operation of the Personnel Law.

SYLLABUS:

Me. Public Laws 1967, ch. 542, giving the Governor and Council authority to adjust