

# 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)

January 15, 1973

Fred E. Holt, Acting Deputy Comm.

Forestry

Lee M. Schepps, Assistant

Attorney General

Various Laws in Title 12

In response to your memorandum dated January 5, 1973, I answer the questions in the order in which you raise them:

1. Title 12 M.R.S.A. § 513 authorizes the Department to accept funds from federal, municipal and private sources. It is obviously authorized to accept funds appropriated by the Legislature. To the extent that the foregoing sources of funds represent all sources of funds (and they certainly appear to represent all reasonably contemplable sources of funds), the Department is authorized to accept the funds from any and all sources.

2. Title 12 M.R.S.A. § 1007 authorizes the Department to pay up to one-half of the costs of control of insect and disease outbreaks pursuant to agreements with municipal officials and also authorizes the Department to make "similar agreements with groups of private owners if the project is approved by municipal officials." Since these provisions refer to municipal officials, we read this provision as referring to control measures within municipalities. It follows that in municipalities, the State is limited to the payment of one-half of the cost of control, whether the partner to the agreement is the municipality or private owners. The last paragraph of Title 12 M.R.S.A. § 1007 provides that the Department is authorized to engage in emergency control programs, directly or by contract with responsible private companies, "with the State assuming partial or all costs in either case." This last provision was added by a fairly recent amendment, and it appears to be inconsistent with the provision of the preceding paragraph of the statute limiting the percentage of participation authorized for the State. We could speculate as to how a court would attempt to reconcile this inconsistency but would prefer to suggest that you consider amendatory legislation clarifying the intent of the Legislature with respect to this matter.

3. The Department may not charge a fee for bulletins, pamphlets, etc. disseminated pursuant to the existing provisions of Title 12 M.R.S.A. § 511, or § 501-A.6. If the Department wishes to charge such fees, it should consider amendatory legislation.

---

LEE M. SCHEPPS  
Assistant Attorney General

LMS:mfe

NOT A FORMAL OPINION