

MAINE STATE LEGISLATURE

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January 23, 1973

Robert L. Damm, Finance Committee
Chairman
John W. Benoit, Jr., Deputy

Maine State American Revolution
Bicentennial Commission
Attorney General

Procedures concerning the Maine State American Revolution Bicentennial
Commission

This is a response to your January 19, 1973 memorandum and to the attached memorandum of the same date addressed to State Budget Officer Rodney L. Scribner. It is the memo you addressed to Mr. Scribner that contains the questions upon which you seek advice.

First, you ask whether the Commission may enter into contracts with suppliers of commemorative materials for a percentage of sales to be returned to the Commission for its use. The Commission was created by Private and Special Act. P. & S.L. 1971, c. 158. Section 3 of the Act provides that the Commission may accept donations and contributions, and receive income from any source to assist it in carrying out the purposes of the Act. The answer to the first question is in the affirmative.

Second, you ask whether the Commission's receipts would be handled the same way as is the museum's rotary account, or would special legislation be required on the subject. That question is an administrative one. Again, § 3 of the Act specifies that the income of the Commission shall be expended and accounted for in the same manner as are funds appropriated to it by the Legislature. Mr. Scribner indicates to us that he will be contacting you respecting the procedures made the subject of the second question.

Third, you ask whether it is advisable for the Commission to form a non-profit corporation, such as was done by the Sesquicentennial Commission. We answer that question in the negative. Incorporation of the Commission is not authorized in the Act. Moreover, the Private and Special Law creating the Commission designates it as the official agent of the State to receive and disburse any and all funds made available by the federal government for purposes related to the observance of the bicentennial. Any non-stock entity created pursuant to 13 M.R.S.A. § 901, et seq. (the non-stock corporation statutes) generally results in creation of a non-public entity. Presently, the Commission is a public body existing with powers conferred by the Legislature.

JWBJr./ec

cc: Rodney L. Scribner