

MAINE STATE LEGISLATURE

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April 12, 1974

Donaldson Koons, Commissioner

Conservation

Lee M. Schepps, Assistant

Attorney General

Use of proceeds of Park Bonds

This is in response to the question which you asked orally on April 11, 1974, concerning whether or not proceeds from the sale of bonds under Chapter 138 of the Private and Special Laws of 1973 could be used to cover certain collateral expenses to be incurred in connection with the acquisition of real property for parks.

The Act provides that the proceeds of the bond issue are to be used for the "acquisition of real property." In my opinion, the Bureau of Parks and Recreation, which is charged with responsibility of administration of the expenditure of the bonds, is authorized to use proceeds of the bonds to cover those expenses and items which are reasonably necessary and which normally accompany acquisitions of real property. This would include expenses for the title search, soil or site evaluation, brokerage commissions and preliminary site evaluations. It would not, however, in my opinion, cover the cost of hiring a planner on your staff to determine how the proceeds of the bonds should be expended.

I hope this is responsive to your request, and let me know if I can be of further assistance.

LEE M. SCHEPPS
Assistant Attorney General

LMS:mfe