

MAINE STATE LEGISLATURE

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April 25, 1974

Otto W. Siebert, State Budget Officer

Budget

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Purchases of Equipment from the State Lottery Fund

SYLLABUS:

The State Lottery Commission may make use of the funds appropriated from the General Fund by 1973 Public Laws, Chapter 570, § 3, to acquire such equipment, including vehicles, as the Commission feels is necessary in its operation of the lottery.

FACTS:

The Legislature has passed an Act, 1973 Public Laws, Chapter 570, which provides for a State Lottery. Under section 3 of that Act the sum of \$400,000 was appropriated from the General Fund to the Department of Finance and Administration for the purpose of implementing the Act. The amount of this appropriation is to be eventually returned to the General Fund from the proceeds of the lottery. The Act further set up a State Lottery Fund into which the \$400,000 appropriation has now been placed by the Department of Finance and Administration. The uses to which monies in the State Lottery Fund can be put are specifically limited by 5 M.R.S.A. § 366. Under this section, one of the allowable uses of the State Lottery Fund is for payment of expenses of "operation of the lottery".

The Lottery Commission now desires to purchase several vehicles for its use in operating the Lottery.

Under 5 M.R.S.A. §7, "Department and agency heads shall justify the purchase of motor vehicles as part of request for appropriations before the Joint Standing Committee on Appropriations and Financial Affairs."

QUESTION:

Can the State Lottery Commission purchase vehicles with funds appropriated by the Legislature to the State Lottery Fund for expenses of operations of the lottery?

REASONS:

5 M.R.S.A. §7 outlines a procedure for requesting appropriations for motor vehicles where no such appropriation has yet been made. Where, as in the case of the State Lottery Commission, an appropriation has already been made, purchase of motor vehicles is permissible if it comes within the terms of the appropriation.

Otto W. Siebert

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Because the operation of a State Lottery is a new experience in Maine and because it is anticipated that all monies appropriated from the General Fund will be eventually paid back from the proceeds of the lottery, the Legislature very broadly defined the permissible expenditures from appropriated funds to include, among other things, expenses of "operation of the lottery". Any equipment, including vehicles, deemed necessary to operation of the lottery may be purchased with the funds appropriated by 1973 Public Laws, Chap. 570, §3.

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