

MAINE STATE LEGISLATURE

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February 25, 1975

Richard G. Bachelder, Director
Martin L. Wilk, Deputy

Bureau of Public Improvements
Attorney General

This will respond to your memo dated February 18, 1975, inquiring whether the Department of Inland Fisheries and Game may use dedicated revenue for the purpose of entering into lease arrangements for office space, storage space, etc. As I advised you orally some weeks ago, it is my opinion that it would be permissible for Inland Fisheries and Game to use certain dedicated revenue for such purpose.

12 M.R.S.A. § 1272 provides in part:

"All moneys credited to the Department of Inland Fisheries and Game including registration fees shall be expended by the bureau solely for the cost of administration, establishment of a safety program for snowmobile operators and enforcement of this chapter."

12 M.R.S.A. § 2063 provides in pertinent part:

"All revenues collected under this chapter, including fines, fees and other available moneys, less all administrative costs of the Division of Watercraft Registration and Safety, . . . to help defray the costs of enforcing this chapter."

In my opinion the rental of office space would be costs of administration which are expressly permitted by each of the two foregoing statutory provisions. Chapter 583 of the Public Laws of 1969 (5 M.R.S.A. § 135, as amended) provides that "interest earned on funds of the Department of Inland Fisheries and Game shall be in lieu of any office rental charges made by the General Fund." In light of this provision, it would not be appropriate for the State to impose office rental charges where those charges will result in payments to the General Fund. However, the language by its terms does not preclude the payment of rental charges to third persons.

I trust this satisfactorily answers your inquiry. If we may be of any further assistance, please let me know.

MARTIN L. WILK
Deputy Attorney General

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