

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date June 25, 1975To Fred BartlettDept. Parks and RecreationFrom David T. Flanagan, ^{DTF} AssistantDept. Attorney GeneralSubject Municipal Recreation Fund

You have asked whether Parks and Recreation can make an advance of State funds from the Municipal Recreation Fund, 12 M.R.S.A. 602(14), to fund municipal recreation projects. We answer in the affirmative.

The enabling statute, 12 M.R.S.A. 602(14) provides that the bureau ". . . may make a supplemental grant from the . . . Fund to . . . municipalities of up to 40% of the approved project costs."

The statute is silent on whether those grants may be made before or after the municipality actually pays the project costs, so long as the costs are State approved.

P & S 1973, ch. 108 Sec. 1 which provides the actual monies for the Municipal Recreation Fund is silent on the manner in which the \$150,000 appropriated is to be spent.

Nor are any restrictions imposed on State advances by 16 U.S.C.A. 460 L-8(f) which provides only that with respect to the Federal share of any moneys, Federal authorities may "make payment from time to time in keeping with the rate of progress toward satisfactory completion of individual projects."

Consequently, there appear to be no statutory restrictions on advance payments.

Moreover, the standard Project Agreement signed by Parks and Recreation and beneficiary municipalities imposes a duty on the bureau to pay out monies to the municipalities without any stipulation as to time. Project Agreement 37.