

MAINE STATE LEGISLATURE

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February 25, 1976

Gary Linton, Deputy Director

Energy Resources

Robert J. Stolt, Assistant

Attorney General

Office of Energy Resources

This will respond to your memorandum request for opinion of January 28, 1976.

You ask:

1. Whether OER is statutorily permitted to accept donations of materials from private industry to retrofit the state owned building which presently houses OER's offices? You direct our attention to sections 5005(1)(H) and 5006 of Title 5, M.R.S.A.
2. Whether OER, pursuant to Section 5006 of Title 5, M.R.S.A. may accept monetary donations to the Maine Energy Resources Development Fund and whether money received would have to be assigned a separate appropriation number?

Although OER statutes authorize acceptance of materials donations for use in such projects, (§ 5006, the director may receive on behalf of the office of Energy Resources or on behalf of the State any grants or gifts and may accept them), it does not authorize OER to use such grants to modify state buildings.

The authority to make improvements in all state owned buildings belongs to the Bureau of Public Improvements in the Department of Finance and Administration. 5 M.R.S.A. § 1741, et seq. I recommend that you submit your project proposal to BPI for its consideration and approval.

Second, 5 M.R.S.A. § 5006 is quite clear with respect to acceptance of monetary donations to the Maine Energy Resources Development Fund. Section 5006, in pertinent part, provides:

"[A]uthority is conferred on the director of such office [OER] to accept, use and administer all energy funds, including federal, state and private funds in accordance with established budgetary procedures which become available pursuant to this Act. The director may receive on behalf of the office or on behalf of the State any grants or gifts and may accept them."

Clearly, OER may accept monetary donations. All money thus received must be deposited in the Maine Energy Resources Development Fund. Under prevalent state accounting (budgetary) procedures, the fund should be assigned an account number (although you use the term "appropriation number," I understand you to mean account number) and all moneys received by OER pursuant to § 5006 must be deposited in that account.

RJS/mf

Robert J. Stolt
Assistant Attorney General