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27 M.R.S.A. § 89
June 11, 1976

Robert J. Damm, Director

Museum/Educational and Cultural
Services

Waldemar G. Buschmann, Assistant

Attorney General

Interpretation of 27 M.R.S.A. § 89

QUESTION:

Does the reference to the term "services" used in sub-§ 1 of 27 M.R.S.A. § 89 include the type of services referred to in § 85 of Title 27?

ANSWER:

Yes. 27 M.R.S.A. § 89, sub-§ 1 refers to "printing and distribution costs for scientific, historical and educational literature and services offered by the museum for which a charge is made," all of which are further defined under 27 M.R.S.A. § 85. Therefore, although § 89 is entitled "Publication Fund," § 89 does encompass other services offered by the museum.

QUESTION:

If fees may be charged for services offered and supplied by the museum, who determines the rate of these fees and where do the fees go?

ANSWER:

The fees are set by the Director of the Museum pursuant to 27 M.R.S.A. § 89, sub-§ 2. Fees collected for these services would go into the "Revolving Fund," "as income collected from sale of publications(sic)" pursuant to sub-§ 4. Although sub-§ 4 does not refer to fees collected for services, rather only fees collected for publications, a reasonable interpretation is that the term "publication fees" would include fees collected for printing and distribution costs and services provided. Reading sub-§ 1 and sub-§ 4 together, the term "publication" is defined to mean "printing and distribution costs. . . and services offered by the museum." Therefore, income collected for the services offered by the museum must be credited to the Revolving Fund.

QUESTION:

Would the setting of charges for services rendered by the museum pursuant to 27 M.R.S.A. § 89 be in conflict with the prescribed duties of the museum?

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ANSWER:

No. As referred to in Question 2 above, the Director is authorized pursuant to 27 M.R.S.A. § 89, sub-§ 2, to set the "price and rates" for services provided by the museum.

WALDEMAR G. BUSCHMANN
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