

MAINE STATE LEGISLATURE

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DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

September 2, 1976

Honorable Jerrold B. Speers
Chairman, Legislative Council
State House
Augusta, Maine 04333

Re: Reception of Grants by the Joint Select Committee on
State Valuation of Legislative Council.

Dear Jerry:

I am responding to your letter of August 26, 1976, in which you ask the following question:

"What agents are empowered to accept a grant of funds from a private foundation to the Joint Select Committee on State Property Tax Valuation?"

The answer to your question is that both the Joint Select Committee and the Legislative Council have been specifically authorized to accept such grant funds from a private foundation.

The study order which directed a study of the State property tax valuation (SP 610, dated June 27, 1975) authorized the Legislative Council to conduct the study either through the Joint Standing Committee on Taxation or through a Select Committee on State Property Tax Valuation. It was specifically provided as part of the study order that if the Legislative Council chose to use a joint select committee rather than the Joint Standing Committee on Taxation, the Select Committee would be authorized to accept funds ". . . from any agency of the United States, from any private foundation and from any other private source for the purpose of implementing the purposes of [the] order." It is our opinion that this joint study order, passed by the Senate with the concurrence of the House of Representatives, constitutes sufficient authority for acceptance of private foundation funds by the Joint Select Committee.

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The Legislative Council is also specifically authorized by statute to accept such funds. During the first special session of the 107th Legislature, the powers of the Legislative Council were augmented by adding the following authorization:

"To accept, use, expend and dispose on behalf of the State funds, equipment, supplies and materials from any agency of the United States, from any private foundation and from any other private source." P.L. 1975, c. 657; 3 M.R.S.A. § 162,16.

This additional authorization became effective March 1, 1976.

It should be parenthetically noted that we also wrote to you on November 19, 1975, concerning this same matter. At that time the study had been assigned to the Joint Standing Committee on Taxation and it was noted that neither the Legislative Council nor the Joint Standing Committee had specific authorization to accept funds from private foundations. We also suggested in that letter that there might be legislative action to empower the Legislative Council to accept such grants, a suggestion which may have resulted in the legislation noted above. The difference in our present opinion has been caused by the changes in both the assignment of the study and in the statutory authority of the Legislative Council.

Please contact us if we can be of any further assistance.

Sincerely,

JOSEPH E. BRENNAN
Attorney General

JEB/ec
cc: Office of Legislative Assistance