

MAINE STATE LEGISLATURE

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State Agencies Enforcing Payment Against / 5 M.R.S.A. 43

STATE OF MAINE

Inter-Departmental Memorandum Date November 10, 1976

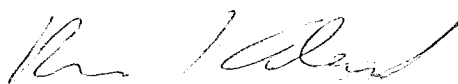
To Stuart Sabeau, Deputy State Purchasing Agent Dept. Bureau of Purchases

From Donald G. Alexander, Deputy Dept. Attorney General

Subject Payment for Maine State Government Annual Report

This responds to your memorandum of October 21, 1976, in which you request our advice as to appropriate action regarding agencies who do not pay for the annual report. Your specific request appears to involve three agencies, the Maine Human Rights Commission, the Board of Chiropractic Examination and Registration, and the Board of Osteopathic Examination and Registration. I would note that the March 6, 1976, letter from the Board of Chiropractors states that, in their view, you have a right to impose a charge on them without their approval and suggests that you impose such a charge. The authority they recognize is stated in 5 M.R.S.A. § 43 which specifies that: "The State Purchasing Agent shall prorate the cost of the report among the reporting agencies." This clearly gives you authority to assess such costs. As authority to assess those costs is provided, it would similarly appear, at least as to the agencies here involved, that you have authority to collect such funds, working through your own Department of Finance and Administration, should the agencies refuse to pay.

In these cases there seems to be no question raised as to the fairness of allocation of costs among agencies. Further, no constitutional official is involved. Therefore, the problems which might develop if a fairness question were raised or if a constitutional officer were involved are not presented here. Accordingly, we suggest you speak with appropriate persons in the Department of Finance and Administration to secure a transfer of the funds assessed to the Intragovernmental Service Account.


DONALD G. ALEXANDER
Deputy Attorney General

DGA/ec

- cc: Joseph Stephenson
- Maine Human Rights Commission
- Board of Chiropractic Examination and Registration
- Board of Osteopathic Examination and Registration