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STATE OF MAINE

Inter-Departmental Memorandum Date December 30, 1976

To Joseph Stephenson, State Purchasing Dept. Bureau of Purchases
Agent
From Donald G. Alexander, Deputy   Dept. Attorney General

Subject _____

This responds to your request for an opinion as to whether the Bureau of PUrchases may charge for its services in connection with disposal of surplus property or other services which it provides for State agencies. The charge involved might be either a direct charge assessed against a department or reduction of the proceeds of sale of surplus property by a certain percentage which would be retained by the Bureau of Purchases.

Administrative agencies only have such authority as is given them by statute. The acts relating to the Bureau of Purchases, Chapter 155 of Title 5 M.R.S.A., provide no authority to the Bureau of Purchases to charge fees for its services in connection with disposal of surplus property or otherwise. Accordingly, authority to impose charges cannot be assumed. However, it must be noted that there is general authority for the Governor to impose charges on certain licensing boards and commissions and transfer funds from the accounts of those licensing boards and commissions to the accounts of departments providing services to those licensing boards and commissions, 5 M.R.S.A. § 1586. Accordingly, to the extent that the Bureau of Purchases provides services to licensing boards and commissions which are supported by collection of fees from persons supervised and licensed, the Bureau of Purchases may, by action of the Governor, receive reimbursement for its expenses.

DONALD G. ALEXANDER
Deputy Attorney General

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