

# MAINE STATE LEGISLATURE

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Legislative Authority of Committees to accept outside funds  
3 MRSAY 165

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January 14, 1977

Honorable Richard Davies  
House Chairman, Joint Standing  
Committee on Energy  
State House  
Augusta, Maine 04333

Dear Representative Davies:

This letter responds to your correspondence of January 6, 1977, concerning the acceptance and expenditure of funds by a legislative committee. You indicated that there are funds available from both public and private sources which could be utilized for projects of interest to the Joint Standing Committee on Energy and other legislative committees. You ask, "Would it be legal or constitutional for the Energy Committee to apply for federal and private funds to fund energy projects in which the Committee is interested to be completed prior to the following first regular session of the Legislature (within the lifetime of the Committee)?" The answer to your question is that there is presently no authorization for a legislative committee to accept such outside funds.

I am enclosing copies of opinions of this office dated November 19, 1975, and September 2, 1976, which considered a similar question. In our 1975 opinion we noted that Joint Standing Committees are authorized by 3 M.R.S.A. § 165 and are established by Joint Rule No. 1. These sources of authority must be considered exclusive, and in neither case have the committees been granted the authority to accept funds at the present time. If it is the desire of the Legislature that its Joint Standing Committees or any other legislative committees have the authority to accept such funds, the authority could be granted on an ad hoc basis by means of joint orders, or on a more general basis by enactment of an appropriate public law, such as an amendment to 3 M.R.S.A. § 165.

Please let us know if we can be of further assistance.

Sincerely,

S. KIRK STUDSTRUP  
Assistant Attorney General

SKS:mfe  
Enclosures

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