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Municipalities Volunteer Fire Dept. Appropriations
30 M.R.S.A. § 5102
Volunteer Fire Depts.

JOSEPH E. BRENNAN
ATTORNEY GENERAL



RICHARD S. COHEN
JOHN M. R. PATERSON
DONALD G. ALEXANDER
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

February 9, 1977

Honorable George A. Carroll
House of Representatives
State House
Augusta, Maine 04333

Dear Representative Carroll:

This letter responds to your oral request for an opinion of this office on the proper interpretation of 30 M.R.S.A. § 5102 insofar as it applies to appropriations for volunteer fire departments. Specifically, you ask whether this statute would limit a municipality to an appropriation of \$1,000 in any one year or whether the volunteer fire department may approach the board of selectmen for additional funding. The answer to your question is that the statute limits the appropriation which any one municipality may appropriate to a volunteer fire department to \$1,000 per year.

Title 30 M.R.S.A. § 5102,4, as last amended by P.L. 1967, chapter 329, reads as follows:

"A municipality may raise or appropriate money:

* * * *

"4. Fire department. Supporting an incorporated volunteer fire department.

"A. When a sum not in excess of \$1,000 has been appropriated for the use of the department, the municipal officers may issue their warrant to the municipal treasurer requiring him to pay the amount of the appropriation to the treasurer of the volunteer fire department."

The initial authorization for municipalities to expend money for volunteer fire departments was enacted by P.L. 1949, chapter 193, which stated:

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"They may also raise money for the support and maintenance of a duly incorporated volunteer fire department."

In other words, as originally enacted, there was no limitation on the amount of money which could be expended for this purpose. The first limitation to the amount, \$500, was enacted as part of P.L. 1951, chapter 228. The latest amendment, P.L. 1967, chapter 329, merely raised the dollar amount from \$500 to \$1,000.

There was no recorded debate on any of the foregoing amendments to this provision. Nor is there any other form of legislative history of record. However, the clear language of the provision would permit such payments to volunteer fire departments, but only when the appropriated sum does not exceed \$1,000. Since municipal budgets and therefore municipal appropriations are generally made on an annual basis and approved at the annual town meeting, it can be logically inferred that the Legislature intended the \$1,000 limitation on appropriations for this purpose to be \$1,000 per annual budget period. Therefore, it is our opinion that 30 M.R.S.A. § 5102,4 must be interpreted as limiting municipalities to an expenditure of \$1,000 per year to a volunteer fire department. However, it should be noted, that if a particular volunteer fire department serves more than one municipality, it is possible that each municipality may make its own \$1,000 appropriation.

Please continue to call on us whenever you think we may be of help.

Sincerely,

S. KIRK STUDSTRUP
Assistant Attorney General

SKS:mfe