

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

*Municipalities Authorized Expenditures
Municipalities Expenditures For Private Groups*

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

November 14, 1977

Honorable Richard Davies
53 North Maine Street
Orono, Maine 04473

Dear Representative Davies:

This responds to your request seeking clarification of our opinion of March 2, 1977, regarding capacity of municipalities to undertake expenditures for nonprofit corporations that provide consumer action services.

In addition to the opinion of March 2, we have also had the opportunity to address the question of municipal authorization for expenditures in an opinion dated September 12 (copy enclosed), relating to expenditures for advocacy in state referendum campaigns.

Based on our analysis in these opinions, we believe the following general principles would apply to municipal expenditures relating to consumer groups:

1. There is no provision of state law which generally prohibits expenditure of municipal funds for support of activities of certain private groups, including consumer action services.

2. As indicated in the opinion of March 2, 1977, there is no provision of state law which generally authorizes such expenditures.

3. As such expenditures are neither specifically prohibited nor specifically authorized by state law, the legality of such expenditures would depend on whether there was authorization for such expenditures in local charter or ordinance provisions. Without such authorization, the expenditure would be improper.

Hon. Richard Davies
Page 2
November 14, 1977

4. The constitutional requirement that public expenditures must be for a public purpose would apply to any municipal expenditures.

While the above provisions apply as a matter of general interpretation, any specific expenditure by a municipality could be subject to problems depending upon the manner in which the expenditure was authorized and the uses to which the public funds given to the private group were put. For that reason, any particular expenditure proposal would have to be examined by counsel for the municipality to determine if the expenditure was properly authorized under local law, if the expenditure would be for a public purpose, and if contemplated uses of the funds would not be in violation of any state law. Because of the uniqueness of each municipal situation, this office is in no position to advise on whether any particular expenditure or use of funds contemplated by any particular municipality would be consistent with the requirements of state law.

Sincerely,

DONALD G. ALEXANDER
Deputy Attorney General

DGA/ec
Enclosure