

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)

*Counties: An Unusual Expense
Counties: Expenses For Planning*

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 10, 1978

Honorable Donald V. Carter
House of Representatives
State House
Augusta, Maine 04333

Dear Representative Carter:

We are responding to your request for an opinion of this office on the question of whether Kennebec County or any other County has the statutory authority to hire county staff to perform any of the following specified functions:

1. Regional planning activities;
2. Human services planning; or
3. Human services agency evaluation.

Our research has not disclosed any statutes which explicitly authorize the hiring of county staff for any of these three purposes. However, there are related statutes which may have a bearing upon your question, and these statutes are discussed separately below.

Regional planning activities are treated in a portion of Title 30 which is separate from the portion which specifically deals with county affairs. Title 30 M.R.S.A. § 4521 provides for designation of regional planning and development districts. Title 30 M.R.S.A. §§ 4511, et seq. allow for establishment of regional planning commissions, which may include counties as voting members. 30 M.R.S.A. § 4513, ¶ 2. A commission organized under these statutory provisions may accept funds from counties as well as other governmental units. 30 M.R.S.A. § 4515. Since these statutes provide for regional planning activities and allow counties to participate in those activities, and since there is no express authorization for a county to conduct its own independent planning activities, we conclude that there is no existing statutory authority for counties to independently hire county staff for this purpose.

With regard to human services planning and agency evaluation, county commissioners are expressly authorized by 30 M.R.S.A. § 419 to expend county funds for a priority social services program pursuant to 22 M.R.S.A. subtitle IV. To the extent that the development and operation of such program at the county level may require planning and evaluation, it is our opinion that the authority granted in 30 M.R.S.A. § 419 at least implies the authority to hire county staff to perform these functions. Hiring of staff for these purposes, as for any other purposes, would be subject to the county budget. Therefore, to the extent that the priority of social services program involves "human services," there is statutory authority to hire county staff to perform human services functions.

It should be noted parenthetically that the foregoing opinion deals only with authority granted to the counties in the general statutes. This office has stated on at least one occasion that authority to make expenditures for purposes not specified by statute may be implied from legislative approval of a county budget which includes these budget items. Opinion of the Attorney General, April 28, 1975. Therefore, it is at least arguable that a county may hire staff to perform functions which the counties are not expressly authorized to perform by general statute if the funds for hiring a staff for this purpose are included within the county budget estimates as ultimately approved by the Legislature.

Please continue to call on us whenever we may be of assistance.

Sincerely,

S. KIRK STUDSTRUP
Assistant Attorney General

SKS:mfe