

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)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

State House: Jurisdiction over building
Legislature: State House Jurisdiction
3 M.R.S.A. 162-12
5 M.R.S.A. 1742-15

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 7, 1978

To: Michael Feener, Administrative Officer, State
Development Office

From: Donald G. Alexander, Deputy Attorney General

Re: State House Jurisdiction - Trout Pond

This responds to your memorandum requesting clarification of the question of jurisdiction to approve improvements and modifications within certain areas of the State House, specifically, modifications being considered to the trout pond on the first floor. You have asked which branch of government has authority to make decisions affecting changes to and use of space within the State House.

We would advise that, for the area in question, decisions should be made as the result of consultation by the Executive and Legislative Branches. The area in question is an area open to the public use on the first floor of the State House. As such, it is not an area, such as the Governor's Office, exclusively within the control of the Executive Branch, nor an area such as the legislative offices on the third floor, exclusively under the control of the Legislative Branch.

The laws in question appear to give both Legislative and Executive branches authority in such public access areas of the State House. Thus, 3 M.R.S.A. § 162-5 authorizes the Legislative Council to assess ways and means to make improvements in legislative facilities and working conditions. Further, 3 M.R.S.A. § 162-12 directs the Legislative Council:

"To insure that adequate physical facilities are provided for the efficient operation of the Legislature and provide for and determine the utilization of legislatively controlled facilities both within and without the State House."

The facility in question would appear to come under this provisions as it is a facility for general public use and thus subject to some degree to legislative control as part of the public areas of the building which is used, in significant part, by the Legislature.

The legislative authority is not, however, exclusive. Thus, 5 M.R.S.A. § 1742-15 gives the Director of the Bureau of Public Improvements authority:

"To have general supervision of the State House and the public grounds, buildings and property connected with the State House, and to make repairs and alterations in and about such grounds and buildings."

Thus, the Bureau of Public Improvements likewise has authority in this area.

Accordingly, we would suggest that the best approach would be that decisions relating to buildings or modification in such areas as the public access areas and the trout pond be arrived at after appropriate consultation between the Legislative Council and the Bureau of Public Improvements or other representative of the Executive Branch. We cannot say that either branch has exclusive authority for such areas as the current trout pond area on the first floor of the State House.


DONALD G. ALEXANDER
Deputy Attorney General

DGA/ec

cc: Honorable John L. Martin
Honorable Joseph Sewall
Charles Wyman, Executive