

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA

April 23, 1936

Hon. William A. Funnell  
State Controller  
Augusta, Maine

Dear Sir:

Under the provisions of Section 103 of Chapter 2 of the Revised Statutes of 1930, it is provided that, "when authorized by the governor, with the advice and consent of the council, warrants may be drawn upon, charged to, and paid out of the state contingent fund for the purposes and to the extent of any special appropriations thereto made by the legislature ~~\*\*\*\*\*~~ and to pay bills arising out of some emergency requiring an expenditure of money not provided for by the legislature. So much of said state contingent fund as may be necessary for said purposes is hereby appropriated to pay such bills and expenses and for said purposes."

The Governor and Council appear to be the sole judges of what constitutes an emergency and also as to the amount necessary to be appropriated from said fund.

Section 16 of Chapter 216 of the Public Laws of 1931, provides that, "No money shall be drawn from the state treasury except in accordance with appropriations duly authorized by law. Every disbursement from the treasury shall be upon the authorization of the state controller, etc."

It seems to me that the foregoing provisions of the statute would authorize you, on receipt of a proper warrant from the Governor, with the advice and consent of the Council, to make the required disbursement from the Treasury and charge same to said Fund.

Very truly yours,

Sanford L. Fogg

Deputy Attorney General