

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA

August 10, 1936

Hon. William A. Runnells
State Controller
State House
Augusta, Maine

Dear Sir:

Under date of August 5, you request of this office an opinion respecting Council Order No. 309, which reads as follows:

***ORDERED,**

That the State Controller and Treasurer of State be authorized to pay from the State Contingent Fund, for old age assistance and administration of same for the fiscal year beginning July 1, 1936, such amounts as may be approved by the Department of Health and Welfare.*

You specifically desire to know whether there is any limit on the amount which the present administration can use of the \$300,000 State Contingent Fund. I am of the opinion that there is no lawful limit, and that the present administration, if it be so minded, can exhaust the entire Contingent Fund before it leaves office.

The statute law governing the matter appears to be found in Sections 101, 102 and 103 of Chapter 2 of the Revised Statutes, and nowhere in the above sections is there any provision which tends to curb the Governor and Council with respect to the above fund, except to limit total expenditures under that fund.

Since the above fund is provided for the use of the Governor and Council, and there being no limit as to the amount which may be expended during any particular period of the fiscal year, I am of the opinion that the Governor and Council can spend all or any part of the Contingent Fund at whatever time may be decided upon by them.

Cordially yours,

Attorney General