

MAINE STATE LEGISLATURE

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October 12, 1944

William D. Hayes, State Auditor

Audit

~~Frank I. Cowan, Attorney General~~

~~Attorney General~~

Allocation State Highway Funds

I have your memo of September 8, in which you cite transfer of \$1,139.86, on December 7, 1943 from Account 20125 (General Highway Fund) to Account 9016 (Secretary of State). You cite also, transfer on July 14, 1944, of \$1,000 from the general highway fund surplus to the Motor Vehicle Division of the State Department.

I am answering the questions in the order in which you ask them.

- A. Such transfers have to be made by Order of the Governor and Council.
- B. Such a transfer must of necessity increase the amount allocated to the transferee. R. S. c. 2, §117, does not take care of this particular transaction but P. & S. 1943, c. 87, §(v) "for extra administrative costs not anticipated in the budget" does take care of it....

C. While the suggestion made in your Question C is possible, the fact that the transfers must be made on Order of the Governor and Council, makes it highly improbable. In any case the Legislature has expressed its confidence in the Governor and Council and has given authority for them to ~~reside~~ *reside* in such cases.

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Frank I. Cowan
Attorney General