

MAINE STATE LEGISLATURE

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See letter - Office

memo to August 21, 1974

(filed in informal opinion book)

Roland M. Berry, State Budget Officer

George C. West, Deputy

yes
October 12, 1962
Bureau of Budget

Attorney General

Use of Budget Estimates

You have asked for an opinion from this office as to the use of budget estimates submitted by department heads to the state budget officer under the provisions of Chapter 15-A. In particular you are concerned with whether your office must make such requests available to (1) the general public and (2) candidates for the general election.

Section 8 of Chapter 15-A, Revised Statutes of 1954, provides in part that:

"On or before September 1st of the even-numbered years, all departments and other agencies of the state government and corporations and associations receiving or desiring to receive state funds under the provisions of law shall prepare, in the manner prescribed by and on blanks furnished them by the state budget officer, and submit to said officer, estimates of their expenditure requirements for each fiscal year of the ensuing biennium contrasted with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year."

Section 9 provides that the governor-elect or the governor and the state budget officer shall review the budget estimates altering, revising, increasing or decreasing the estimates. The governor or governor-elect shall then direct the state budget officer to prepare a state budget document. The governor shall transmit said budget document to the legislature not later than the close of the second week of the regular legislative session.

Section 5, Subsection 1, provides that the bureau of budget shall have the duty and authority:

"To prepare and submit to the governor-elect, or the governor, biennially, a state budget document in accordance with the provisions set forth in this chapter;"

From a reading of these sections of the statutes it is clear that the legislative intent was that the budget estimates would be submitted to the state budget officer. He would then review them, requesting such further information from department heads and other agencies as he deems necessary. When he has his figures together, he then sits down with the governor-elect or governor, as the case may be, and they in turn review the estimates. They may change the figures in any way they feel necessary. When they have arrived at a satisfactory budget estimate, the budget officer then prepares a budget document and submits it to the governor-elect or governor. The governor transmits this document to the legislature within the appointed time.

That is the procedure outlined by the legislature. It may change the procedure at any time. The law does not authorize the release of budget estimates by the budget officer to the general public or to candidates for office.

George C. West
Deputy Attorney General

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