

MAINE STATE LEGISLATURE

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June 3, 1969

Honorable Ronald S. Wight
House of Representatives
State House
Augusta, Maine

Dear Mr. Wight:

SYLLABUS:

The legislature, after enacting the resolve laying the county taxes, may adjust the salaries of county officers.

FACTS:

During the regular session, the legislature in early April enacted by emergency legislation effective upon signing by the Governor the biennial resolve laying county taxes. The resolve laying the county taxes appears as Resolves, 1969, Chapter 11, effective April 4, 1969. Now the joint legislative committee on Towns and Counties is about to report out a bill setting the salaries of the various county officials.

QUESTION:

May the legislature adjust the salaries of county officials after passage of the resolve laying the county taxes?

ANSWER:

Yes.

REASON:

The legislature determines the amount of money each county may raise and may spend. In setting up a county budget, the legislature

has provided for line categories, one of which is personal services, 30 M.R.S.A. § 252 (P. L. 1967 ch. 541.)

The legislature, by proper enactment, sets the salaries of county officers, 30 M.R.S.A. § 2. The salaries to be set by the legislature may be more or less than those in existence at the time the county taxes are laid. If the salaries are not changed, or are lowered, there is no problem or question raised concerning the budget.

If, however, salaries are increased beyond those used to determine the amount budgeted for personal services, an apparent problem seems to exist. An examination of § 252 dispels the apparent problem.

The fourth paragraph of § 252 provides in part:

"Whenever any specific appropriation of a department . . . of county government shall prove insufficient to pay the required expenditures for the statutory purposes for which such appropriation was made, the county commissioners may, . . . transfer from any other specific line appropriation of the same department . . . an amount as required to meet such expenditure, provided that such request shall bear the written approval of the majority of the county commissioners."

This provision allows the county commissioner to meet a department's personal services deficiency, if any, by a transfer from another line from the budget of the same department. If, however, there is not sufficient money in other line categories within the department, the legislature has provided another method.

The fifth paragraph of § 252 establishes a contingent account and states:

"This fund shall be used for emergency purposes only at the discretion of the county commissioners."

Hence, we find that the county commissioners have two sources of money if the legislature increases county salaries beyond the amount budgeted for personal services.

Very truly yours,

George C. West
Deputy Attorney General

GCW:H