

MAINE STATE LEGISLATURE

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December 15, 1975

Joseph E. Stephenson, State
Purchasing Agent
Martin L. Wilk, Deputy

Bureau of Purchases
Attorney General

Statutory Limits on Contract

This will respond to your memorandum dated December 1, 1975, inquiring whether a State contract may be written for a period beyond the period for which there exists an appropriation from the Legislature. Since there are no specific facts set forth in your memo, it is not entirely clear what the area of your particular concerns may be.

For your general guidance, we call your attention to 5 M.R.S.A. § 1584, entitled "Exceeding Appropriations Prohibited" which provides, in part:

"No agent or office of the State or any department or agency thereof, whose duty it is to expend money under an appropriation by the Legislature, shall contract any obligation on behalf of the State in excess of the appropriation. . . . "

In our view, the phrase "appropriation by the Legislature" refers to appropriations from the General Fund or allocations from any other fund. All appropriations and allocations are limited to the biennium for which they are made, unless language in the appropriation explicitly appears to the contrary.

MARTIN L. WILK
Deputy Attorney General

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