

# MAINE STATE LEGISLATURE

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June 15, 1976

William Seibert

Finance and Administration

Robert J. Stolt, Assistant

Attorney General

5 M.R.S.A. § 196, § 6, Appropriations Act

We are returning herewith for your approval, three Personnel Form 5 Sets. You disapproved the personal services action anticipated by those forms on June 11, 1976, upon the basis that "section 6 of the Appropriations Act specifically prohibits use of salary savings to establish permanent positions."

We have reviewed Section 6 of the Appropriations Act and conclude that it does not prohibit the personal services action reflected in the enclosed forms. The Attorney General is authorized by 5 M.R.S.A. § 196 to appoint and fix the salaries of research assistants to perform such duties as he may delegate. The Attorney General's authority with respect to such appointments is restricted only by the aggregate amount of money available for personal services expenditure in his departmental appropriation. He may use personal services monies accumulated through salary savings realized through vacancies, lower salaries, etc. to fund research assistant positions as he decides as long as he does not exceed his total appropriation. Further, the appointments at issue here involve no additional personnel, merely a change in status for three employees already on the Department payroll.

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ROBERT J. STOLT  
Assistant Attorney General

RJS:mfe