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Municipalities' Flexibility to Enact Ordinances
Municipalities' Budget Committees
30 M.R.S.A. § 1917

JOSEPH E. BRENNAN

ATTORNEY GENERAL



STATE OF MAINE

DEPARTMENT OF THE ATTORNEY GENERAL

AUGUSTA, MAINE 04333

RICHARD S. COHEN

JOHN M. R. PATERSON

DONALD G. ALEXANDER

DEPUTY ATTORNEYS GENERAL

May 24, 1977

Honorable Philip R. Berry
House of Representatives
State House
Augusta, Maine

Re: Municipal Budget Committee.

Dear Representative Berry:

This is in response to your letter, dated May 10, 1977, requesting information on statutory authority for municipal budget committees. While we find no authority expressly authorizing such committees, there is also no statute which prohibits them. Accordingly, municipalities are free to establish budget committees by proper local enactment. Article VII, Part Second, Section 1 of the Maine Constitution provides:

"The inhabitants of any municipality shall have the power to alter and amend their charters on all matters, not prohibited by Constitution or general law, which are local and municipal in character. The Legislature shall prescribe the procedure by which the municipality may so act."

Title 30 M.R.S.A. § 1917 provides:

"Any municipality may, by the adoption, amendment or repeal of ordinances or by laws exercise any power or function which the Legislature has the power to confer upon it which is not denied either expressly or by clear implication and exercise any power or function granted to the municipality by the Constitution, general law or charter. . . ."

n. Philip R. Cobby
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These provisions confirm the general flexibility which municipalities have in dealing with fiscal matters.

There is no statutory provision which expressly, or by clear implication, precludes establishment of municipal budget committees. Consequently, municipalities may create such committees.

Sincerely,

JOSEPH E. BRENNAN
Attorney General

JEB/ac