

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

JOSEPH E. BRENNAN
ATTORNEY GENERAL



RICHARD S. COHEN
JOHN M. R. PATERSON
DONALD G. ALEXANDER
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

January 16, 1978

Honorable Kathleen Watson Goodwin
Chairman, Maine Committee on Aging
State House
Augusta, Maine 04333

Re: P & S.L. 1975, c. 78, § 19

Dear Representative Goodwin:

The following is in response to your request for an opinion as to whether the 108th Legislature could lawfully carry forward a surplus of Supplemental Security Income funds into the current biennium, without increasing benefits, and then reduce the appropriation by an amount equal to the surplus. We answer in the affirmative.


P. & S.L. 1975, c. 78, § 19 reads in pertinent part as follows:

"... It is the intent of the Legislature that any increases in federal supplemental security income benefit levels, effective the same month as the federal increase takes effect, shall be passed along in the same total dollar amount of any such increase to each beneficiary in the optional program and to each beneficiary in the mandatory program who has not reached the state ceiling. The Department shall immediately take action necessary to raise, effective July 1, the state ceiling for an individual and for a couple in the same total dollar amount as the federal SSI increase . . .

"Any balance of state funds unexpended in this account due to an increase in federal social security or supplemental income payments shall be utilized to provide an expenditure of state funds equivalent to such unexpended balance by providing benefits, pursuant to Title 22, section 3273, subsection 6. Any unexpended balance of this account shall not be transferred to another account and shall not lapse, but shall be carried forward in the same account from year to year to be expended for the same purpose."

It is clear from the last sentence of the foregoing that the Legislature did contemplate the possibility of there being surplus funds at the end of the biennium. However, the intent of the Legislature was simply that any unexpended funds not be transferred to another account, or lapse, pursuant to 5 M.R.S.A. § 1544. Nothing in the bill in question requires future Legislatures to maintain the 1975 appropriation level for SSI*, i.e., the Legislature can reduce future appropriations equal to the carry-over from a previous biennium, if the budget total is sufficient to comply with appropriate funding requirements as determined by the Legislature.

Very truly yours,


JOSEPH E. BRENNAN
Attorney General

JEB:mfe

*Nor could such a requirement be imposed as one Legislature cannot bind future Legislatures to make appropriations.