

# 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

June 19, 1978

Ronald H. Lord  
Legislative Finance Officer  
Office of Legislative Finance  
State House  
Augusta, Maine 04333

Dear Mr. Lord:

This responds to your request for an opinion interpreting P.L. 1977, c. 576, which repealed and replaced 5 M.R.S.A. § 1585. Basically your question calls for an interpretation of the term "subdivision of an appropriation," which term is used at several points in § 1585. Your questions are:

1. Would the line category breakdown of an appropriation be considered a subdivision of an appropriation?
2. If the answer to question #1 is yes, would the restrictions imposed by Chapter 576 P L 1977 apply to transfers between line categories, within an appropriation?


We answer both questions in the affirmative. We believe that in developing the term "subdivision of an appropriation" the Legislature considered the breakdowns of appropriations which appear in appropriations statutes, not other more refined divisions of appropriations which may appear in budget documents or work programs. Accordingly, it is our view that the term "subdivision of appropriation" refers to the line category breakdowns of particular department appropriations whose total makes up the entire department appropriation. Further, each separate appropriations category - for example, Personal Services, All Other and Capital - would constitute a subdivision, even in those instances where a state agency's appropriation may be more finely broken down into

bureaus or other services areas. An unallocated appropriation would not, of course, require transfer approval under § 1585 since, with an unallocated appropriation, it is the Legislature's intent that the department itself exercise discretion in use of funds to achieve the purposes intended by the unallocated appropriation. Thus, because the various line category breakdowns of appropriations are considered subdivisions, transfers between the line categories are subject to the provisions of 5 M.R.S.A. § 1585.

We understand that the intent of the drafters of c. 576 was to increase legislative control over transfers of unexpended appropriations. An interpretation of 5 M.R.S.A. § 1585, which exempted the line categories of agency appropriations which are otherwise subdivided would not be consistent with this intent. Further, such an interpretation would cause inconsistent application of the law to various agencies, with those agencies having appropriations broken down by bureaus and other service areas having greater flexibility in transferring funds among the line item categories than those agencies who receive a single lump sum appropriation divided only according to Personal Services, All Other, Capital and unallocated.

I hope this information is helpful.

Sincerely,

  
DONALD S. ALEXANDER  
Deputy Attorney General

DGA:mfe