

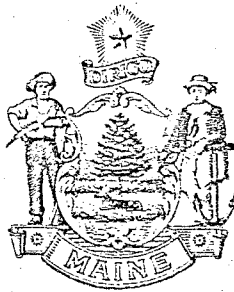
MAINE STATE LEGISLATURE

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

March 2, 1979

Honorable John Michael
House of Representatives
State House
Augusta, Maine 04333

Dear Representative Michael:

This will respond to your request for an opinion concerning the authority of a department or agency of county government to make intra-departmental transfers in the county budget as approved by the Legislature.

The commissioners of each county are required by statute to prepare budget estimates each year. 30 M.R.S.A. § 252 (1978). These estimates are submitted to the Legislature for its review, amendment and ultimate approval. 30 M.R.S.A. §§253 and 253-A (1978 Supp.). This office has consistently stated that legislative approval of the county budget acts as a direction from the Legislature that funds are to be expended in accordance with that budget. See, Op. Atty. Gen., June 22, 1977; Op. Atty. Gen., February 12, 1976.

Nevertheless, the Legislature recognized that circumstances may arise which necessitate a deviation from the legislatively approved budget. Accordingly, the Legislature granted the county commissioners the authority to make intra-departmental transfers pursuant to 30 M.R.S.A. §252 (1978). Section 252 provides in relevant part:

"Whenever any specific appropriation of a department or agency of county government shall prove insufficient to pay the required expenditures for the statutory purposes for which such appropriation was made, the county commissioners may, upon written request of such department or agency, transfer from any other specific line appropriation of the same department or agency an amount as required to meet such expenditure, provided that such request shall bear the written approval of the majority

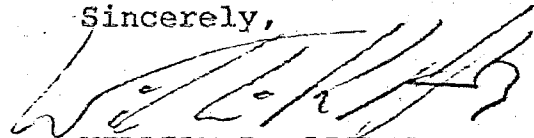
Honorable John Michael
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of the county commissioners."¹

Thus, 30 M.R.S.A. §252 (1978) affords county departments or agencies some degree of flexibility to transfer funds from one specific line appropriation to another within the department or agency. However, as a pre-condition to utilizing the mechanism of intra-department transfer of funds, the written approval of the county commissioners must be obtained.

I have enclosed a copy of an opinion dated November 26, 1975 which discusses the device of intra-departmental transfers in some detail. I hope this information is helpful to you. Please feel free to call upon me again if I can be of further assistance.

Sincerely,



WILLIAM R. STOKES
Assistant Attorney General

WRS:sm

1. 30 M.R.S.A. §252 (1978) also provides that all intra-departmental transfers must be certified within 30 days to the State Department of Audit.