

MAINE STATE LEGISLATURE

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6-20-2013

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STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
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AUGUSTA, MAINE 04333-0006

June 20, 2013

Hon. Justin L. Alfond, Senate President	Hon. Mark W. Eves, Speaker
Hon. Seth A. Goodall, Senate Majority Leader	Hon. Seth A. Berry, House Majority Leader
Hon. Troy D. Jackson, Asst. Senate Majority Leader	Hon. Jeff M. McCabe, House Majority Whip
Hon. Michael D. Thibodeau, Senate Rep. Leader	Hon. Kenneth Fredette, House Rep. Leader
Hon. Roger J. Katz, Asst. Senate Rep. Leader	Hon. Alexander Willette, Asst. House Rep. Leader
#3 SHS, Augusta, Maine 04333	#2 SHS, Augusta, Maine 04333

Dear Legislative Leaders:

This office has received questions about whether the Legislature may pass a "continuing resolution" in case it fails to override the Governor's anticipated veto of the budget.

The short answer is No.

Contrary to what the Congress has sometimes done, the Maine Constitution and statutes neither authorize nor envision a continuing resolution or any similar mechanism.

Unlike the federal Constitution, the Maine Constitution requires a balanced budget. See Opinion of the Attorney General, March 2, 1983. Any effort to continue the budget that expires on July 1, 2013, would result in a budget that is out of balance, given the major differences between the expenditures of the current budget and those of the budget recently passed by the Legislature and sent to the Governor for his signature.

At this juncture the budget must be enacted into law with a two-thirds vote as emergency legislation in order for it to be effective before the beginning of the next budget year July 1, 2013.

The Congress of the United States has none of these restrictions or time constraints which the State of Maine faces in enacting a budget.

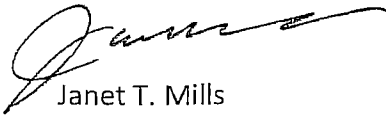
Maine law requires a biennial budget. Even if it did not do so, any short term emergency budget, passed with a two-thirds vote, would throw the state into financial uncertainty and would face significant opposition from bondholders, schools, hospitals and thousands of

entities to whom the state has continuing and long-term obligations. Compliance with the Riverview Consent Decree and other court orders would be difficult. Litigation would certainly ensue, and this litigation would be costly and complex.

Please let me know if there are questions concerning the above.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Janet T. Mills".

Janet T. Mills
Attorney General