

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1618

H. P. 1391

House of Representatives, April 13, 1977

On Motion of Mr. Curran of South Portland, referred to the Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Kany of Waterville.

Cosponsors: Mrs. Najarian of Portland and Mr. Wilfong of Stow.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Provide Legislative Oversight of Appropriated Fund Transfers.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 5 MRSA § 1585, as amended by PL 1975, c. 771, § 72, is repealed and the following enacted in its place:

§ 1585. Transfer of unexpended appropriations

1. Transfers authorized. Any balance of any appropriation or subdivision of an appropriation made by the Legislature for any state department or agency, which at any time may not be required for the purposes named in such appropriation or subdivision, may be transferred at any time prior to the closing of the books, to any other appropriation or subdivision of an appropriation made by the Legislature for the use of the same department or agency for the same fiscal year.

2. Procedures. A transfer of appropriated funds authorized under subsection 1, shall occur only after compliance with the following procedures.

A. If a department or agency head desires a transfer of appropriated funds, he shall recommend the transfer to the Governor. If the Governor desires such a transfer, he shall recommend the transfer to the Legislature.

B. Included with any recommendation for a transfer described under paragraph A, shall be a written statement as to why the funds to be transferred are not needed in the appropriation or subdivision of the appropriation for which they were appropriated, and a specification as to the uses to which the transferred funds shall be put.

C. When the Legislature is in regular or special session and the Governor desires to recommend a transfer of appropriated funds, the Governor shall recommend the transfer to the Legislature by submitting his written recommendation, including a written statement which contains the information set forth in paragraph B, to the Joint Standing Committee on Appropriations and Financial Affairs of the Legislature.

If the Legislature does not act by majority vote of either House to disapprove the recommended transfer within 30 days of the date of submission of the recommended transfer to the Joint Standing Committee on Appropriations and Financial Affairs, the transfer shall be deemed to have been approved.

D. When the Legislature is not in regular or special session and the Governor desires to recommend a transfer, the Governor shall submit his written recommendation to the Legislative Council, the members of the Joint Standing Committee on Appropriations and Financial Affairs and the Legislative Finance Officer. Included with the Governor's recommendations, shall be a written statement which contains the information set forth in paragraph B and the reasons why the need for the transfer could not have been anticipated while the Legislature was in session and why the transfer is essential before the Legislature will be in session.

Transfers recommended while the Legislature is not in session shall also take effect 30 days after the date of submission of the recommended transfer to the Legislature, unless disapproved by majority vote of either House.

3. Limitations on transfers. All transfers of appropriated funds shall be subject to the following limitations.

A. No funds appropriated by the Legislature shall be transferred, which, in the aggregate, amount to a sum which is greater than \$100,000 or 10% of the appropriation or subdivision of the appropriation from which the funds are to be transferred, whichever is the smaller of these 2 amounts.

B. No transfer of appropriated funds shall be requested or approved for the first 30 days after adjournment of a regular or special session of the Legislature or for the last 30 days prior to a regular session of the Legislature.

Sec. 2. Effective date. This Act shall take effect 92 days after adjournment of the Legislature.

STATEMENT OF FACT

The purpose of this bill is to provide legislative oversight of appropriated fund transfers proposed by the Executive Branch.