

MAINE STATE LEGISLATURE

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July seventh, 1917

To Hon. Carl E. Milliken, Governor of Maine
Re: War Bonds - Armories

In reply to your inquiry as to the legality of using part of the war loan, so-called, for defraying the expense of erecting and equipping armories at Bangor and Lewiston as authorized by Resolves of the Legislature of 1917, I will say:

The loan authorized by the legislature for the purpose of suppressing insurrection, etc., will create a debt against the State in excess of the general Constitutional limitation of the State debt and is permissible only by virtue of the exception appearing in Section 14 of Article IX of the Constitution of Maine permitting the creation of debt or debts by the State without limit as to amount "to suppress insurrection, repel invasion or for purposes of war". This exception must be strictly construed and any debt created thereunder must be contracted and the proceeds of any loan negotiated therefor must be expended and applied only for such purposes as are expressly or impliedly within the terms of this Constitutional provision.

It cannot be questioned that this was authorized to suppress insurrection, repel invasion or for purposes of war which might or would occur or exist in the war between the United States and the German Empire which was at the time of the passage of this act imminent and almost certain.

If the construction of these armories can be deemed necessary for the purposes of this war now being wages, undoubtedly the expenditure of part of this war loan for this purpose is entirely within your power. If for the training or quartering of troops it is necessary to have armories in these particular cities, you can use this money for that purpose.

If on the other hand, all soldiers are to be Federal soldiers and the State is not longer to maintain state troops, there can be no need of state armories. There should have been proper appropriations from general revenue provided to cover this proposed expenditure.

If the armories are not needed for this war but are to be constructed simply for general use of state troops in peace times in the same manner and to the same extent that other armories already erected are now used, it does not seem to me that any part of this war loan should be expended for their erection or equipment.

Guy H. Sturgis
Attorney General

GHS/R