

MAINE STATE LEGISLATURE

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June 30, 1931

To State Highway Commission
Re: Waldo-Hancock Bridge

You inquire as to the effect of P&SL 1931, Chapter 112, on the expenditure of bond issue funds for constructing the Bucksport-Verona bridge.

Prior to the convening of the recent Legislature I filed an opinion to the effect that the bridge from Verona to Bucksport was outside the bond issue, because it was neither a bridge from Prospect to Bucksport nor a bridge from Prospect to Verona and could not be held as a matter of law to be "an approach" to the prospective bridge from Prospect to Verona.

Our Law Court held in Starrett v. Highway Commission, 126 Me. 212, that approaches are part of a bridge. It would follow that an approach to the bridge from Verona to Prospect is within the bond issue for constructing that bridge.

The Legislature has now defined the bridge from Bucksport to Verona as an approach to the bridge from Verona to Prospect.

The Court and, a fortiori, executive departments of the State must respect a definite legislative fiat unless it is clearly unconstitutional. I cannot say that the Legislature has gone beyond its province in defining this Bucksport-Verona bridge as an approach to the Verona-Prospect bridge. I find no decided cases where such a definition has been ruled upon by the courts. I cannot say that our court would rule it unconstitutional.

In my opinion, therefore, the legislative definition stands effective, and under it bond issue money can properly be applied on the Bucksport-Verona bridge.

Clement F. Robinson
Attorney General

CFR/V