

# MAINE STATE LEGISLATURE

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September 16, 1942

John S. S. Fessenden, Deputy Attorney General

J. A. Mossman, Commissioner of Finance

Reference is made to your memorandum of September 8, 1942, relative to funds available for the purpose of eradication of Bangs' Disease.

Chapter 254 of the Public Laws of 1941, provides for the issuance of bonds to raise money for the purpose of eradicating Bangs' Disease in the State of Maine. It is specified that the proceeds of the bond issuance shall be expended solely for the purpose of the eradication of the disease and for no other purpose. However, this statute does not state that no other funds shall be used for the purpose of eradication of Bangs' Disease. The provisions of Chapter 40 of the Revised Statutes of 1930 and the provisions of Chapter 297 of the Public Laws of 1935 (see page 177, Public Laws 1935) charge the Commissioner of Agriculture with the duty of eradicating contagious diseases, and by the provisions of the last mentioned law, specifically with the duty of eradicating Bangs' Disease. If there are other funds available provided by legislation for the purpose of eradicating contagious diseases and Bangs' Disease, such funds may be used in lieu of issuing new bonds.

Section 3 of Chapter 254 of the Public Laws of 1941 provides that the proceeds of the bonds may be expended during the fiscal year ending June 30, 1941 and the fiscal year ending June 30, 1942 and goes on to provide that a balance unexpended shall not lapse but shall be carried forward to carry out the purposes of the Act. It is questionable whether bonds unissued prior to June 30, 1942 can now be issued. It is also provided in Section 1 of Chapter 254 that bonds paid at maturity shall not be re-issued. In your memorandum of September 8, 1942, you infer that you might issue new bonds. It is suggested that if the issuance of new bonds is contemplated, there is a possible question as to the validity of such issuance. This memorandum is not designed to rule finally on such question.

Deputy Attorney General

JSSF:gh