

MAINE STATE LEGISLATURE

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January 23, 1946

To John E. Willey, Chairman, Maine Aeronautics Commission

This department acknowledges receipt of your letter of January 2, 1946, wherein you ask our opinion on the following questions:

"1. In the absence of exigencies, has the State of Maine, solely by legislative act, the right to appropriate monies to purchase an airport or airports?

"2. In the absence of exigencies, has the State of Maine, solely by legislative act, the right to appropriate monies to operate an airport or airports?

"3. Has the State, solely by legislative act, the right to appropriate monies to aid municipalities in the acquisition and improvement of airports by them owned?"

Since all of these inquiries present only the question of legislative power, one answer will suffice and govern all.

We shall assume first that all of these airports are to be devoted to a public use.

"The Legislature has, under the constitution, 'full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this State, not repugnant to this Constitution, nor that of the United States.' Const. of Maine, Art. IV, Part III, sec. 1. While, therefore, the executive and the judiciary, the other two coordinate departments of government, can exercise only the powers conferred upon them by the Constitution, the powers of the Legislature are, broadly speaking, absolute, except as limited or restricted by the Constitution. 'As to the executive and judiciary, the constitution measures the extent of their authority, as to the legislature it measures the limitations upon its authority.'"

Laughlin v. City of Portland,
111 Maine at page 489.

See also Sawyer v. Gilmore, 109 Maine 169-180.

There being no limitation in the Constitution on the right of the Legislature to appropriate money to purchase for the State, or to aid a political subdivision thereof to purchase and acquire land to be devoted to a public use, we answer the questions in the affirmative.

Abraham Breitbard
Deputy Attorney General

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