

MAINE STATE LEGISLATURE

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March 7, 1947

To Honorable S. Waldo Burgess, House of Representatives

I have your request for an opinion, dated March 7th, asking whether or not snow removal, sanding and winter maintenance of highways regardless of designation of said highways is in any way a violation of the constitutional amendment which prohibits the use of highway funds including gas tax, etc., for any other purpose than highways.

Article LXII of the Constitution provides as follows:

"All revenues derived from fees, excises and license taxes relating to registration, operation and use of vehicles on public highways, and to fuels used for the propulsion of such vehicles shall be expended solely for cost of administration, statutory refunds and adjustments, payments of debts and liabilities incurred in construction, reconstruction of highways and bridges, the cost of construction, reconstruction, maintenance and repair of public highways and bridges under the direction of supervision of a state department having jurisdiction over such highways and bridges, and expense for state enforcement of traffic laws and shall not be diverted for any purpose, provided that these limitations shall not apply to revenue from an excise tax on motor vehicles imposed in-lieu of personal property tax."

You will note that this amendment refers to maintenance and repairs of public highways and bridges under the direction and supervision of the State department having jurisdiction over State highways.

My answer to your question is in the negative. Snow removal and sanding, in my opinion, are included in maintenance of highways under the jurisdiction of the Highway Commission, and money used for snow removal and sanding is not used in violation of the amendment quoted above.

Ralph W. Farris
Attorney General