

MAINE STATE LEGISLATURE

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October 19, 1951

To N. E. Weed, Budget Administrator
Re. Road Program

Your memo of October 3 indicates that you would like to have my opinion as to the availability of funds derived from the issuance of bonds as provided for in Cha. 201 of the P&SL of 1951, for use in the highway program of 1952.

At the opening of the 1951 session, I suggested to the Ways & Bridges Committee that the General Highway Fund be set up in the alternative, so that the bond money could be allocated, contingent on the acceptance of the bond issue. They were of the opinion that it was unnecessary, since they thought the bond issue would not be voted on until September of 1952.

It is a fact that the committee did not anticipate the special election when it drafted the general highway appropriation bill; and when in the closing days, it was discovered that a special election could be held, no one thought about amending the appropriation bill. It is safe to say that the legislature did not intend to prohibit any expenditure under the bond issue.

The legislature had requested the Highway Department to present an accelerated road building program. Two plans were given to them - one of them calling for a \$27,000,000 bond issue. There is a strong implication that by voting for the \$27,000,000 bond issue the legislature adopted the plan as set forth in the program.

There is always a presumption that a law is intended to be effective.

The Legislative Record shows that one of the compelling arguments for the accelerated program was the need of immediate construction work to cut down the rapidly increasing maintenance costs.

There would be no problem of law involved if, in Section 1 of the said Chapter 201, the word "by" in "outlined by the 95th legislature" had been "to".

However, since the legislature did not suggest any amendments to the \$27,000,000 bond issue plan, and since they adopted a \$27,000,000 bond issue and since they were obviously in favor of speedy construction work, it is my opinion that they contemplated the issuance of these bonds for the purpose of carrying out the program as submitted to them.

The authority to match Federal funds has been previously given by the legislature. Moreover, the use for that purpose was definitely advanced in the report and was a matter of general understanding by all members of the legislature.

L. Smith Dunnack
Assistant Attorney General

LSD/h