

MAINE STATE LEGISLATURE

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September 18, 1962

K.B. Burns, Chief Accountant

Mental Health and Corrections

Courtland B. Perry, Assistant Attorney General.

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General Fund Bond Issue--Abandonment of Purpose.

QUESTION PRESENTED: May funds made available to the Department of Mental Health and Corrections for an engineer's apartment at the Stevens Training Center by Chapter 175, Private and Special Laws of 1959 being an Act to authorize General Fund Bond Issues ratified by vote of the people be used for any purpose other than that specified in the Statute and voted on by the people?

Portions of the Maine Constitution and Special Law pertinent to the issue are as follows:

Article IX, Section 14, Constitution of Maine

"The Legislature shall not create any debt or debts, liability or liabilities, on behalf of the state, which shall singly, or in the aggregate, with previous debts and liabilities hereafter incurred at any one time, exceed two million dollars, except to suppress insurrection, to repel invasion, or for purposes of war; and excepting also that whenever two-thirds of both houses shall deem it necessary, by proper enactment ratified by a majority of the electors voting thereon at a general or special election, the legislature may authorize the issuance of bonds on behalf of the state at such times and in such amounts and for such purposes as approved by such action"

Chapter 175, Chapter A, Section 3, of the Private and Special Laws

of 1959:

"The proceeds of the sales of such bonds, which shall be held by the Treasurer of State and paid by him upon warrants drawn by the Governor and Council, are appropriated to be used solely for the purposes set forth in Chapter A of this Act."

Chapter 175, Section 8 of the Private and Special Laws of 1959

"Referendum for ratification. The aldermen of cities, the selectmen of towns, and the assessors of the several plantations of this State are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding

Chapter 175, Section 8 of the Private and Special Laws of 1959 (cont'd.)

biennial meetings of said inhabitants for the election of Senators and Representatives, at the next general or special state-wide election, to give in their votes upon the acceptance or rejection of Chapter A of the foregoing act, and the question shall be:

Shall a bond issue be ratified for the purposes set forth in 'An Act to Authorize General Fund Bond Issue in amount of Three Million Nine Hundred and Fifty Thousand Dollars and to appropriate moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnishings for Fiscal Years Ending June 30, 1960 and June 30, 1961' passed by the 99th Legislature?"

Chapter 175, Chapter A, Section 6 of the Private and Special Laws of Maine 1959:

Allocations from General Fund Bond Issue

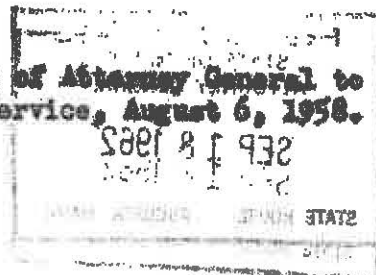
*Institutional Services, Department of
School for Girls
Engineer's Apartment #11, 700"

It appears from an examination of the quoted portion of the Maine Constitution that the purposes for which funds are proposed to be raised by bond issue must be voted on by the people and that Chapter 175 has set forth such purposes and that the people did vote with an awareness of the purposes for which the General Fund Bond Issue in question was authorized.

It is therefore, the opinion of this office that since the Department of Mental Health and Corrections has abandoned the plan to use funds for the purpose set out in Chapter 175 supra it may not use the funds for any other purpose. Since these funds were originally made available to the Department through a General Fund Bond Issue authorized by the Legislature and ratified by the vote of the people the "transfer of funds" provision of Chapter 15 A, Section 15 of Revised Statutes of Maine 1954 as enacted by Chapter 340, Section 1 of the Public Laws of 1957 is inapplicable.

Reference: Opinion of Attorney General to
Perry Service, August 6, 1958.

Treasurer of the State re Penobscot Bay



Courtland D. Perry
Assistant Attorney General

CDP/f
cc: Attorney General's Dept.