

MAINE STATE LEGISLATURE

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December 6, 1963

Hiram C. Bates, Director

Bureau Public Improvements

George C. West, Deputy

Attorney General

General Fund Bond Issue for Capital Construction

FACTS:

The 101st Legislature enacted, and the people by a referendum vote accepted, an \$8,422,000 General Fund Bond Issue for Capital Improvements. This Act allocated funds for specifically named projects by various departments and agencies of the State.

Among the agencies are the University of Maine and the Maine Maritime Academy. Also included was a specific amount for State Aid to Municipalities for Airport Construction.

Section 5 of the Act states that, "the proceeds of such bonds shall be expended under the direction and supervision of the Director of the Bureau of Public Improvements."

QUESTION:

What is the extent of the responsibility of the Director of the Bureau of Public Improvements in connection with the allocations to:

1. State Aid for Municipalities for Airport Construction
2. The Maine Maritime Academy
3. The University of Maine

ANSWER:

See Opinion for Answer.

OPINION:

1. State Aid to Municipalities for Airport Construction.

The provisions of chapter 24, section 20, cover the basis for expenditure of the funds allocated for this purpose. Under this section the Aeronautics Commission, with the consent of the Governor and Council, may from the "Airport Construction Fund" grant to cities,

towns or counties a per cent of the total cost of construction, extension or improvement of airports.

This type of grant is not susceptible to the usual procedures of the Bureau of Public Improvements. The procedure manual, dated October 14, 1963, is not applicable. It will be necessary for the Bureau to work out with the Commission some method of approval by the Bureau of project grants to be submitted to the Governor and Council for approval. It will also be necessary to set up some method of investigating or ascertaining the proper use of the funds by the grantees.

There can be no question but that the Bureau must be aware of and approve of the grants, as well as having a responsibility to see that the funds when received are used in a proper manner.

2. The Maine Maritime Academy

3. The University of Maine

On January 8, 1963, we sent you an opinion concerning the handling of funds from the Educational Television Bond Issue. There is very little difference between the Educational Television Bond Issue and the General Fund Bond Issue of 1963. The latter is in the usual language of state bond issues. The bonds are to be issued by the Treasurer of State, under the direction of the Governor and Council; the Treasurer of State is to pay out the proceeds upon warrants drawn by the Governor and Council to be used solely for purposes set forth in the Act, and the proceeds to be expended under the direction and supervision of the Bureau of Public Improvements.

Some of the opinion of January 8, 1963, is not applicable to this situation. But so much of it as sets forth the duties of the Governor and Council and the Bureau of Public Improvements is applicable. It is not necessary to repeat that part here. Generally, it is that part which appears beginning with the last paragraph of page 3 and all of page 4. In short, the construction projects named in chapter 186, P. and S. Laws, 1963, must be all carried out under the direction and supervision of the Bureau.

Hence, it follows that the procedure manual is proper for the construction projects allocated to the Maine Maritime Academy and the University of Maine.