

MAINE STATE LEGISLATURE

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February 4, 1964

Walter F. Wines, Commissioner

Mental Health and Corrections

Courtland B. Perry, Asst. Atty. Gen'l.

Attorney General

Construction of Heating Plant at Boys Training Center Under General Fund Bond
Issue P & S L 1963, c. 186.

FACTS:

Under P & S L 1963, c. 186, "AN ACT to Authorize General Fund Bond Issue in Amount of Eight Million Four Hundred Twenty-two Thousand Dollars and to appropriate moneys for Capital Improvements, Construction Repairs, Equipment, Supplies and Furnishings for the Fiscal Year Ending June 30, 1964. The Boys Training Center was appropriated the sum of \$140,920 for "Addition to Heating Plant," along with other appropriations to the Boys Training Center for the construction of new buildings.

The feasibility of adding to the present heating plant has been studied by architects and engineers, within, and without, the Bureau of Public Improvements, and the consensus of these experts is, that to proceed with additions to the heating plant, would result in inefficiency and achieve no reduction in repairs to the structure and would not fulfill the requirements for this installation.

QUESTION:

"Is it possible for the Governor - the Department of Mental Health and Corrections in conjunction with the Bureau of Public Improvements, and using the best judgment we can obtain from the architects and engineers - to construct a new heating plant, keeping in mind that the total expenditures will not exceed the \$140,920 set forth in the law?"

ANSWER:

Yes.

OPINION:

It is clear from an examination of Article IX, §14 of the Constitution of Maine, and portions of P & S L 1963, c. 186, that the funds authorized to be appropriated shall be used solely for the purposes set forth in the act. We must, by examining all relevant portions of the act, determine what purpose the Legislature had in authorizing the appropriation of \$140,920 for an addition to the heating plant at the Boys Training Center. In the portion of the act relating to the heating plant the Legislature authorized the appropriation of funds for the construction of several new buildings at the Boys Training Center, e.g., cottages, reception unit, kitchen and dining facilities and Infirmary and Security Building. It is considered that the purpose of the Legislature in appropriating \$140,920 was to provide adequate heat for the new buildings. If, as is the consensus of the

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experts, this cannot be accomplished by actual additions to the existing heating plant, this term being taken to mean the structure as well as the equipment within, then to proceed with such additions would result in a waste of public funds and non-fulfillment of the purpose of the appropriation, certainly, not the intent of the Legislature. If, however, the above purpose can be accomplished by placing new heating equipment within a new structure, and within the funds appropriated, the purpose of the act is fulfilled.

It is, therefore, our opinion that a new heating plant may be created to serve the Boys Training Center, as modernized by the erection of new buildings, provided, however, that P & S L 1963, c. 186, §6, which provides in part:

"In no case shall the cost of any project in this section exceed the amount as shown."

be strictly complied with.

Courtland D. Perry
Assistant Attorney General

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