

MAINE STATE LEGISLATURE

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Enactment of a Bond Issue by Emergency Legislation

FACTS:

Members of the legislature desire to present a resolve calling for a bond issue to raise money for grants to municipalities for water pollution control. There is available a large sum of taxpayers' money from the Federal Government if State matching funds are available before December 31. A special session of the legislature is presently planned for September. It is contemplated that such a resolve will be presented (and possibly approved) if it can be presented to the people for ratification at the general election in November. It will be necessary to enact such a resolve by emergency legislation.

QUESTION:

May a bond issue be enacted by emergency legislation as provided by Article IV, Part Third, Section 16?

ANSWER:

Yes.

OPINION:

The Maine Constitution Article IX, Section 14, provides 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; "

Thus, a bond issue must be submitted to the electorate at a general or special election when both houses "by proper enactment" approve it.

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Article IV, Part Third, Section 16, provides that acts or joint resolutions of the legislature become effective 90 days after recess of the legislature. However, provision is made for emergency legislation to become effective as directed. There are three exceptions for which no emergency legislation may be enacted. Those are,

" . . . (1) an infringement of the right of home rule for municipalities, (2) a franchise or a license to a corporation or an individual to extend longer than one year, or (3) provision for the sale or purchase or renting for more than five years of real estate."

The bond issue here contemplated does not come within any of the exceptions to emergency legislation. Thus a bond issue, by proper enactment, may be made a subject of emergency legislation.

George C. West
Deputy Attorney General

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