

# MAINE STATE LEGISLATURE

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May 17, 1965

Major General E.J. Heywood, Adjutant  
George C. West, Deputy General

Adjutant General  
Attorney General

**Use of Bond Issue Funds for Maine State Guard Uniforms**

Title 25, M.R.S.A., section 881, provides for the Governor to prescribe for the organization of a Maine State Guard which "shall be uniformed at the expense of the state."

Chapter 120, Resolves of 1939, was an act authorizing a bond issue for military expenses. This chapter authorized a bond issue of an amount not to exceed two million dollars for the purposes stated in section 1. These purposes were "for the purpose of suppressing insurrection, repelling invasion, or for purposes of war, especially for the building and improvement of armories, for the building and/or improvement of airports, including municipally owned airports, for military purposes, for expenses incurred on behalf of the state or in cooperation with the federal government in improving military efficiency, and procuring military equipment, and obtaining and/or improving lands and buildings for military purposes."

There is in the account set up after the issuance of bonds still a balance remaining and unexpended.

**QUESTION:** May all, or a portion, of the remaining balance of the bond issue be used to purchase uniforms for the Maine State Guard?

**ANSWER:** No.

**REASONS:**

It should be first noted that the bond issue was authorized by the Legislature in 1939. The provision relative to the Maine State Guard being uniformed at the expense of the State was enacted by Public Law 1963, Chapter 405, section 1. Although the lapse of time is not in and of itself the determining factor, it is important. At the time the bonds were issued the world was in a state of war, although this country had not as yet become involved. The bonds were issued as indicated in the facts above for "purposes of war."

Major General E. W. Heywood  
Adjutant General

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The remaining balance being directly derived from the issue of bonds, it is essential that the expenditure be within the purposes stated in the act authorizing the bonds. It would be too far-fetched to say that the furnishing of uniforms to the Maine State Guard, which was authorized in 1963, is for "purposes of war" as stated in the Resolve of 1939.

George C. West  
Deputy Attorney General

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