

# MAINE STATE LEGISLATURE

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September 11, 1967

Michael A. Napolitano, Treasurer

Treasury

Leon V. Walker, Jr., Assistant

Attorney General

Elimination of Tolls on Jonesport-Beals Bridge by P. & S.L. 9967  
Chapter 146

This is in reply to your memorandum of August 21, 1967, in which you ask whether P. & S. L. 1967, Chapter 146, in eliminating all references to tolls contained in P. & S. L., 1955, Chapter 198, which authorized the construction of a bridge between Jonesport and Beals, and directed the State Highway Commission to operate it as a toll bridge until all bonds shall be retired and all expenses paid, is constitutional.

ANSWER:

Yes.

OPINION:

The funds for construction of subject bridge were raised by a bond issue, approved by the people in referendum.

In the absence of a constitutional provision to the contrary, statutes enacted under the initiative and referendum provisions of the Constitution do not have any more force and effect than other legislative acts, and like other statutes are subject to repeal, revision or amendment by the legislature. 82 C.J.S., "Statutes" § 150 and § 279.

There is no such limitation in the Maine Constitution.

There is a limitation, however, provided by fundamental law, that such repeal, revision or amendment must not impair the obligations of contract or take away vested rights. Burkett v. Youngs, 135 Me. 459.

The question, then, is whether the rights of the remaining bondholders are in any way impaired by the removal of tolls. From the Director of the Accounting Division of the Highway Commission, I learned that there are funds available for the retirement of

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bonds and for interest payments for the current fiscal year, and that P. & S. L., 1967, Chapter 150, allocates \$30,000 from the General Highway Fund for bond retirement and interest payments in the fiscal year 1968-69. It appears, therefore, that subject law does not impair the rights of the bondholders, and is constitutional.

Leon V. Walker, Jr.  
Assistant Attorney General

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