

MAINE STATE LEGISLATURE

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November 30, 19

Lawrence Stuart, Director

Parks and Recreation

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Attorney General

Allagash Bond Issue, Private and Special Laws 1965, Chapter 27

FACTS:

By memorandum dated November 27, 1967 you presented the following facts:

"Chapter 277 of the P & S Law of 1965 as passed by the First Special Session (Jan., 1966) of the 102nd Legislature proposed a bond issue of \$1.5 million for the establishment of the Allagash Wilderness Waterway. This bond issue was ratified by a statewide Referendum Question on Nov. 8, 1966."

QUESTION:

Can the State Park and Recreation Commission incur costs against this \$1.5 million for which Federal reimbursement is not anticipated?

ANSWER:

Yes, within limitations set forth in Opinion.

OPINION:

1965 Private & Special Laws of Maine, Chapter 277, section 1, reads as follows:

"The Maine State Park and Recreation Commission is authorized, as an agency of the State of Maine, to acquire land and easements, water and power rights, and to provide such facilities and equipment as shall be necessary to protect, preserve and develop the maximum wilderness character of the Allagash Wilderness Waterway, at costs not exceeding \$3,000,000, 1/2 of which shall be raised by the bond issue hereinafter provided and 1/2 from Federal Funds appropriated for the same purpose by the Congress of the United States.

"The cost of acquisition of such land and easements, water and power rights, facilities and equipment, including any expenses incurred in the financing thereof, shall be taken and appropriated from the funds provided under this Act."

The reference section provides three limitations on expenditures of proceeds of the Allagash Wilderness Waterway bond issue by the Maine State Park and Recreation Commission. These limitations are:

First, the expenditure must relate to acquisition of land and easements, water and power rights, facilities and equipment, including any expenses incurred in the financing thereof, and the acquisitions must be necessary to protect, preserve and develop the maximum wilderness character of the Allagash Wilderness Waterway.

Second, the total acquisition costs shall not exceed \$3,000,000 and,

Third, 1/2 of the total acquisition costs not to exceed 3 million are payable from the proceeds of the bond issue.

It was not the intent of the 102nd Maine Legislature that every dollar spent from the bond issue had to be matched with a dollar of federal funds. There is no such matching limitation in the reference section or any other section of the 1965 Private & Special Laws, Chapter 277. The limitation is that 1/2 of the total acquisition costs not to exceed the 3 million shall be raised by proceeds of the Allagash Wilderness Waterway bond issue.

Jerome S. Matus
Assistant Attorney General

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