

# MAINE STATE LEGISLATURE

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# STATE OF MAINE

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Inter-Departmental Memorandum      Date June 8, 1972

To Robert D. Johnson, Engineer      Dept. Aeronautics  
From Asa C. Richardson, Chief Counsel      Dept. Highway  
Subject Allocation in Gen. Fund Bond Issue      Sec. 6, Ch. 140, P.&S.L. 1971

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**SYLLABUS:**

The proceeds of a bond issue designated for specific public improvements must be used solely for that purpose.

**FACTS:**

Sec. 6, Ch. 140, P.&S.L. 1971, provided, in part, for an allocation from a proposed general fund bond issue to be voted on by the people on June 19, 1972, in the amount of \$494,400.00 to the Department of Aeronautics as follows:

"Various Airports -- Improvements and Contingency Fund	\$175,000
General Improvements (Crash Bldg. and Ramp Extension)	
-- Portland	270,000
General Improvements (Crash Bldg. and Parking Apron)	
-- Presque Isle	49,400
	<u>\$494,400"</u>

Section 6 further provides: "The amount listed after each project is to be considered as a guide and within departments or agencies any one or more amounts may be exceeded, with the approval of the Governor and Council, by transfer from one project to another, but in no instance shall a project be reduced by more than 5% of the amount listed."

**QUESTION:**

"From the listed \$270,000, can part of it be used to rehabilitate and strengthen the critical condition of Portland's primary runway, runway 11-29?"

**ANSWER:**

No.

**OPINION:**

The 105th Legislature considered aeronautical "requests for capital improvements" estimated to cost \$4,380,900.00. The legislators authorized only those aeronautical projects, estimated to cost \$494,400, shown above, be submitted to referendum for ratification.

We construe the proposed "crash building" a project, and the "ramp extension" and thus the Legislature has clearly and explicitly set forth its intention, particularly when strengthened by that paragraph specifically limiting even a reduction in any project to 5%.

"The fundamental rule of statutory construction is to ascertain and carry out the legislative intent"

<u>Cushing v. Inhab. of Blue Hill, et.al.</u>	148 ME 243
<u>Hanbro, Inc. v. Johnson</u>	158 ME 183
<u>Oxford Paper Co. v. Johnson</u>	155 ME 380

The legislative intent must prevail in the construction of statutes, whenever such intent can be ascertained.

<u>Gram v. Inhab. of Cumb.</u>	148 ME 515
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cc: G. C. West