

# MAINE STATE LEGISLATURE

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January 29, 1973

Lawrence Stuart, Commissioner

Parks and Recreation

Lee M. Schepps, Assistant

Attorney General

Proposed Transfer of Allagash Wilderness Waterway Jurisdiction to Forestry Department

By memo dated January 23, 1973, you inquired whether or not the Legislature has the authority to exchange the jurisdiction over the Allagash Wilderness Waterway from the Department of Parks and Recreation to the Department of Forestry. Chapter 277 of the Private and Special Laws of 1965 submitted to the public a referendum for ratification of the issuance of debt pursuant to Article IX, Section 14 of the Maine Constitution. That Private and Special legislation did not establish the Allagash Wilderness Waterway Authority. That Authority was established by Chapter 496 of the Public Laws of 1965, § 3 of which recited that the Act would not become effective unless the Legislature, by legislation, authorized the bond issue which they did authorize in Chapter 277 of the Private and Special Laws of 1965 and, "unless and until the people of the State of Maine shall have ratified the issuance of bonds as set forth in such Act". It is my understanding that the people of Maine did ratify the issuance of bonds and that those bonds have been issued.

The referendum submitted to the people was not contingent upon the continued existence of the Allagash Wilderness Waterway Authority in any particular form and was not contingent upon the continued jurisdiction over the Allagash Wilderness Waterway by the then "Maine State Park and Recreation Commission".

Accordingly, there is no constitutional prohibition against the transfer of jurisdiction over the Allagash Wilderness Waterway from the Department of Parks and Recreation, as successor to the Park and Recreation Commission, to the Department of Forestry.

LMS/ec

NOT A FORMAL OPINION