

MAINE STATE LEGISLATURE

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March 7, 1975

H. Sawin Millett, Jr., Commissioner
Department of Educational and Cultural Services
Augusta, Maine

Dear Mr. Millett:

This is a reply to your memorandum of March 3, posing three questions.

First, you ask,

"Under the provisions of Chapter 136 of the Private and Special Laws of 1973, as amended, may the Legislature authorize the use of bond proceeds from the reference \$25,000,000 bond issue to meet all or a portion of the principal payments for elementary and secondary school construction projects which are due and payable from the State during the fiscal year ending June 30, 1975?"

We answer the question in the affirmative. In a letter dated February 19, 1975, addressed to Representative Neil Rolde, we noted that the phrase "school building construction" is not defined in Chapter 136, and the Act does not, by its terms, specify whether bond proceeds may be used to defray the costs of construction which has already been completed or which was in progress at the time the Act was approved by the people. We are informed that bond proceeds from Chapter 179 of the Private and Special Laws of 1969, authorizing \$50 million for elementary and secondary school building construction, have, in fact, been used to defray the costs of construction which pre-dated the effective date of that bonding Act. Also, we are informed that the same practice was followed in connection with certain proceeds of Chapter 18, Private and Special Laws, 1967, authorizing \$6,380,000 for school building construction. We assume the Legislature has been aware of the manner in which the bond

proceeds referred to above have been utilized and that in enacting Chapter 136 of the Private and Special Laws of 1973, the Legislature contemplated authorizing similar utilization of those bond proceeds. Accordingly, we conclude that it would be permissible to use the proceeds of the \$25 million bond issue to fund the State's principal commitment relating to existing construction as well as new construction.

The second and third questions in your memorandum can be answered together. Those two questions ask whether the Legislature may utilize bills like L.D. 775 and L.D. 805 as vehicles to express authorization pursuant to § 50 of Chapter 783, P.L. 1973, for the issuance of school construction bonds under Chapter 136. The answer to questions 2 and 3 is yes. In so answering, we wish to note that we do not give approval to the use of the words "Current Services" appearing in § 2 of L.D. 775 nor to the words "General Purpose Aid for Local Schools" appearing in § 19 of L.D. 805. We withhold approval of those words to the extent they are inconsistent with "school building construction."

Trusting that this letter sufficiently answers the questions in your memorandum, I remain,

Very truly yours,

JOSEPH E. BRENNAN
Attorney General

JEB/ec