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Appropriations, Obligation, of subsequent Legislature
23 M.R.S.A. 1703
Town Road Fund

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June 9, 1977

Honorable George A. Carroll
House of Representatives
State House
Augusta, Maine 04333

Re: Town Road Improvement Fund Obligations.

Dear Representative Carroll:

This responds to your request for an opinion as to whether certain provisions of the Public Laws of 1955 require that there be included within the current budget and within current appropriations certain sums for the Town Road Improvement Fund.

The provision in question, P.L. 1955, c. 436, § 8,* provides:

"Appropriation for Town Road Improvement Fund. Beginning with the fiscal year ending June 30, 1956, there is hereby appropriated annually from the General Highway Fund the sum of \$500,000 to the Town Road Improvement Fund. This appropriation shall be in addition to any other appropriation for the Town Road Improvement Fund made by the 97th Legislature."

Although this section states that annual appropriations of the specified sum are required, this provision must be construed as directory rather than mandatory upon the Legislature. It is well established that one Legislature cannot impose a legal obligation to appropriate funds upon a subsequent Legislature,

* This provision is substantially similar to 23 M.R.S.A. § 1703 which was in effect as R.S. 1954, § 60 at the time of passage of the 1955 act.

Hon. George A. Carroll

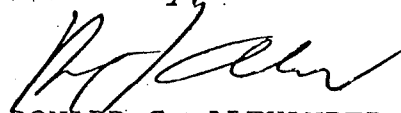
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Opinion of the Justices, 146 Me. 183, 189-190 (1951). Accordingly, there is no obligation upon the Governor to include the sums specified in P.L. 1955, c. 436, § 8, in his budget, nor is it a legally enforceable obligation upon the Legislature to appropriate the sums specified therein.

I hope this information is helpful.

Sincerely,



DONALD G. ALEXANDER
Deputy Attorney General

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