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*Appropriation Support For Bond Issue Programs
Bond Issues: Use of Appropriations in lieu of Bond Issues*

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DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

February 1, 1978

Ronald Lord
Legislative Finance Officer
State House
Augusta, Maine

Re: Use of Surplus Funds for Energy Conservation.

Dear Ron:

This responds to your request for an opinion as to whether the Legislature may appropriate surplus funds for the purpose of implementing the energy conservation program authorized by P. & S.L. 1977, c. 72. We would answer your question in the affirmative.

With approval by the voters of P. & S.L. 1977, c. 72, that law became an authorization for expenditures for energy conservation programs in State buildings and public schools. Ratification by the voters was necessary because funding of those programs through bond issues was contemplated and authorized. However, the funding source through bond issues is a matter separate and distinct from the general program authorizations. Accordingly, separate program authorizations stand alone and may be implemented, if the Legislature chooses, through appropriations from the General Fund.

In a program implemented through appropriations from the General Fund the same terms and conditions would apply as in the approved authorization (i.e., 90-10 funding for public schools and distribution based on energy efficiency surveys).

An appropriation section might read as follows:

There is appropriated from the General Fund to the Bureau of Public Improvements the sum of \$10,000,000 for the fiscal year ending June 30, 1978, to be used for funding energy conservation programs authorized by Chapter 72 of the Private and Special Laws of 1977 as amended by Section 6 of Chapter 584 of the Public Laws of 1977. Of this sum, \$5,000,000 shall be

used for energy conservation improvements in public elementary and secondary schools and \$5,000,000 shall be used for energy efficiency surveys and energy conservation improvements in State-owned buildings. The breakdown shall be as follows:

BUREAU OF PUBLIC IMPROVEMENTS

1977-1978

Capital Improvements	
State-owned buildings	\$5,000,000.00
Capital Improvements	
Public Elementary and	
Secondary Schools	\$5,000,000.00

If it is the intent of the Legislature to fund the energy conservation program entirely from the General Fund in lieu of the bond issue, it would be my recommendation that, as part of the appropriations legislation, the authorizing provisions of P. & S.L. 1977, c. 72 be separately re-enacted and that P. & S.L. 1977, c. 72 be repealed. This would avoid continuing the outstanding bond authorization, which, if not used, might create problems in future documents disclosing the State's financial obligations. This is not essential to maintain the program but is suggested in order to place the authorization within the Revised Statutes, and to clarify matters for the future.

- We would be pleased to assist in drafting those amendments if you so desire.

Sincerely,



DONALD G. ALEXANDER
Deputy Attorney General

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