

MAINE STATE LEGISLATURE

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Paid Issue Resolution Working
Mc Conn Art 74 (73.1 sec 1)

JOSEPH E. BRENNAN
ATTORNEY GENERAL



RICHARD S. COHEN
JOHN M. R. PATERSON
DONALD G. ALEXANDER
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

March 1, 1978

Honorable James A. McMahon
House of Representatives
State House
Augusta, Maine 04333

Dear Representative McMahon:

We are answering your oral request for an opinion of this office on a question relating to P. & S.L. 1977, Chapter 91. That enactment would allow the Kennebunk Sewer District to present to the voters of the Town of Kennebunk a proposal which would increase the authorized indebtedness of the District from \$1 million to \$3 million with a condition upon the uses of the increased revenue generated thereby. In the referendum section of the enactment there is a direction which states:

"The town clerk of the town shall prepare the required ballots, on which he shall reduce the subject matter of this Act to the following questions:

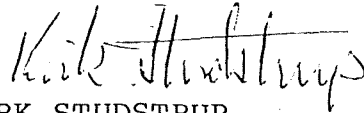
'Shall "an Act to increase the authorized indebtedness of the Kennebunk Sewer District and to limit the use of that increase," passed by the Second Regular Session of the 108th Legislature, be accepted?'"

Your question is whether there is any legal problem presented by the fact that the question on the ballot does not include the dollar amount of the proposed increase of authorized indebtedness for the Sewer District. The answer to this question is negative.

The question to be presented to the voters has been specified by the Legislature exercising its legislative powers. Article IV, Part Third, Section 1, Constitution of Maine. It has been repeatedly held that this legislative power is measured by limitation and not by grant. Therefore, the enactment in question would create legal problems only if the wording of the referendum question violated some other constitutional limitation or guarantee. It is our opinion that there is no such violation. The question accurately states that approval of the legislation would create an increase of the authorized indebtedness of the Sewer District and that the use of the increased fund would be limited. Furthermore, it is our understanding that there has been a public hearing on the subject matter of the referendum question and that the entire legislation will be locally published for the information of voters. Under these circumstances we find no legal problems.

Please continue to call on us whenever we may be of assistance.

Sincerely,



S. KIRK STUDSTRUP
Assistant Attorney General

SKS/ec