P.L. 1967 c. 178

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September 7, 1978

Duane M. Stinchfield, Manager
Lewiston-Auburn Airport
Terminal Building R-4, Box 101B
Auburn, Maine 04210

Re: Lewiston-Auburn Municipal Airport; Use of Funds for the 1967 Bond Issue Referendum for Airport Improvements.

Dear Mr. Stinchfield:

This responds to your letter of June 19, 1978, inquiring as to whether our office might review uses which you propose to make of bond issue proceeds in connection with improvements on Runway 17-35. This review has taken some time because several attorneys have reviewed the matter in light of the important implications for your airport. We appreciate the careful documentation of your position which has been provided. However, we regret to advise that we must adhere to the position stated in the opinion of this office of February 15, 1972, regarding P. & S.L. 1967, c. 178. A copy of that opinion is attached.

Basically this office concluded that the bond issue proceeds could not be used to repair existing portions of Runway 17-35. The only improvements authorized by the bond issue would be acquisition of land, clearing approaches and extensions of Runway 17-35 plus any improvements or modifications of Runway 17-35 which are necessary in order to implement the extensions.

Neither the facts nor the law have changed since the date of issuance of the 1972 opinion, and we see no basis on which to change its result. As a reading of the text of the bond legislation itself demonstrates, the Legislature was aware of what language was necessary to use where improvements to existing runways were contemplated. The fact that they did use such language in connection with other runways but chose not to use it in connection with Runway 17-35 would appear to indicate legislative intent to exclude improvements such as resurfacing or rehabilitation of the existing portions of Runway 17-35 from the purposes for which the bond issue proceeds could be used.

I regret we are not in a position to advise that the bond issue funds proceeds may be used for the rehabilitation purposes which you desire. However, we have researched this matter carefully and believe that we must reach the result indicated.

Sincerely,

DONALD G. ALEXANDER
Deputy Attorney General

DGA/ec
cc: Hon. Louis Jalbert