

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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

TO: Donald Allen, Director, Bureau of Corrections/MH&C  
FROM: William H. Laubenstein, III, Assistant Attorney General  
DATE: 29 November 1978  
SUBJECT: Use of Monies from 1970 General Fund Bond Issue

SYLLABUS: The Legislature authorized a general bond issue for a diagnostic unit at the Maine Youth Center (then called Boys Training Center) by P&SL 1970, c. 240. The monies authorized and approved by referendum have not all been expended. In 1978 the Legislature appropriated \$995,000 for the construction of a new security building at the Maine Youth Center. Public Law 1978, c. 712, Part B. It now appears that construction of a new security building will cost far in excess of amounts appropriated.

QUESTION: May the Department of Mental Health and Corrections use monies remaining from the 1970 General Fund Bond Issue to help finance the new security building at the Maine Youth Center?

ANSWER: The unexpended bond monies may only be used for the new security building if the authorized use is amended by the Legislature and approved by referendum.

DISCUSSION: The Constitution of Maine sets a limit on the debts the Legislature may create. Constitution of Maine, Art. IX, §14. One exception to this limit is

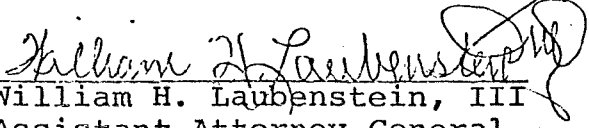
. . . whenever two-thirds of both Houses shall deem it necessary, by proper enactment ratified by a majority of the electors voting thereon at a general or special election, the Legislature may authorize the issuance of bonds on behalf of the State at such times and in such amounts and for such purposes as approved by such action . . .

Constitution of Maine, Art. IX, §14

The purpose of the 1970 general fund bond issue, as set forth in Section 6, P&SP 1970, c. 240, was a diagnostic unit at the Boys Training Center. At the state-wide election held on June 15, 1970, the public was asked to approve the bond issue "for a diagnostic facility for treatment of emotionally disturbed boys at the Boys Training Center." P&SP 1970, c. 240, §8. Thus, any monies raised by the 1970 bond issue could only be used for the diagnostic unit described in Section 8 of the statute. Certainly, it cannot be said that the electors in 1970 gave their approval for the expenditure of monies for a security building conceived in 1978 for the care and custody of incorrigible youthful offenders.

The Office of the Attorney General has previously addressed the question of the permissible uses of funds raised by bond issues. It is clear from these opinions that such funds may not be used for purposes other than those set forth in the authorizing

enactment, without further legislative action and submission to referendum. Opinion of February 2, 1976: Utilization of Bond Issue Funds for Auburn-Lewiston Airport.

  
William H. Laubenstein, III  
Assistant Attorney General

WHL/vv

CC: John Wakefield