

# MAINE STATE LEGISLATURE

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# EIGHTY - EIGHTH LEGISLATURE

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**Legislative Document**

**No. 103**

H. P. 378

House of Representatives, January 27, 1937.

Read three times under suspension of rules and passed to be engrossed without reference to a committee. Sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-SEVEN

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**AN ACT to Amend Section 1 of an Initiated Act Approved by the People at the General Election Held September 14, 1936, Relating to the General Highway Fund, and to Authorize Certain Temporary Use of Said Fund.**

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**Emergency preamble.** Whereas, there are from time to time, in the state treasury funds which are segregated and allocated to the general highway fund to an amount in excess of the immediate requirements for which they are appropriated and are to be ultimately expended; and

Whereas, under existing law said highway funds cannot be expended for any purpose either permanently or temporarily, other than for which they are appropriated; and

Whereas, the state is now, and at certain periods in each fiscal year will be, in need of a temporary use of such general highway fund, or part thereof, for other governmental purposes, pending and in anticipation of the receipt of assessments made for other appropriations authorized by law, but due or receivable at later periods in the year; and

Whereas, the legislature cannot, within constitutional limitations, authorize the borrowing at all times of sufficient money to anticipate the receipt of such assessments; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

**Initiated act, 1936, § 1, amended.** Section 1 of the direct initiated bill entitled "An Act Relating to the Use of the General Highway Fund, and to Prevent Diversion Thereof" approved by the people at the general election held on September 14, 1936, is hereby amended to read as follows:

**Sec. 1.** All revenue received by the state from the registration of motor vehicles, and the licensing of operators thereof, from the tax imposed on internal combustion engine fuel, from fines, forfeitures and costs accruing to the state under section 118 of chapter 29 of the revised statutes, as amended, and from permits granted by the state highway commission to open highways, shall be segregated, allocated to and become a part of the general highway fund created and existing by ~~Chapter 251 of the Public Laws of 1931 and Chapter 175 of the Public Laws of 1933~~ **the provisions of statute**; and after payment and deduction from such fund of such sums as are necessary to meet all provisions of bond issues for state highway and bridge construction, the remainder of such fund shall be apportioned and expended solely for the cost of registering motor vehicles and licensing the operators thereof, for maintenance of the state highway police, for administration of the office and duties of the state highway commission, for administration of the tax on internal combustion engine fuel and payment of rebates on said tax, and for the improvement, construction and maintenance of highways and bridges, and for snow guards or removal as provided by statute. Neither the general highway fund, nor any fund derived from direct taxation imposed for highway construction, bridge construction, or the improvement and maintenance thereof, shall be diverted or expended, ~~either temporarily or permanently, for any other purpose than set forth in this act, except for the establishment of an aeronautical fund as provided by Section 89A of Chapter 12 of the Revised Statutes,~~ **permanently for any other purpose than set forth in this act, except that funds so segregated may be used for other appropriations but only those for which anticipated income has not been received and for which financial provision has been made by the legislature and is forthcoming; and provided further, that funds so segregated may be used temporarily to meet the exigency of a catastrophe or other emergency of a public nature the existence of which has been established by proclamation of the governor. In no case shall the**

carrying out of the provisions of the general highway fund act be delayed or curtailed.'

**Emergency clause.** In view of the emergency recited in the preamble, this act shall take effect when approved.