

# MAINE STATE LEGISLATURE

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Yes  
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March 14, 1951

To William O. Bailey, Deputy Commissioner of Education  
Re: Approval of Plans for Schoolhouses

Replying to your inquiry based upon a letter to your department from Sherman Harrington, chairman of the superintending school committee of the Town of Cherryfield, dated March 6, 1951, and asking whether Section 19, found on page 13 of your 1949 booklet of school laws, applies to schools being erected by school districts:-

The specific question is whether the school district trustees have the authority to select a location and build a schoolhouse without the approval of the superintending school committee of the town.

The statute referred to recites: "A plan for the erection or reconstruction of any schoolhouse voted by a town shall first be approved by the superintending school committee; and in case no special building committee has been chosen by the town, said superintending school committee shall have charge of said erection or reconstruction; provided, however, that they may, if they see fit, delegate said power and duty to the superintendent of schools."

The first part of this sentence is pertinent to the question at hand. A plan for the erection or reconstruction of any schoolhouse voted by a town shall first be approved by the superintending school committee. A schoolhouse to be erected by a school district in a town comes within the purview of this act. It is a schoolhouse voted by the town and the statute provides that the plan for its erection shall first be approved by the superintending school committee.

It is pointed out in the case of Lunn v. City of Auburn, 110 Maine 241 at page 245 that not only should the plan be approved by the superintending school committee before such building is erected, but that it should be so approved before having the approval of your department or that of the State Board of Health, and that it is the building approved by the superintending school committee of the town which should have the approval of your department and the Bureau of Health. . .

Neal A. Donahue  
Assistant Attorney General

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