

MAINE STATE LEGISLATURE

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yes

February 21, 1952

To Harland A. Ladd, Commissioner of Education
Re: Contracts between the Maine School Building Authority and
Community School Districts

We have your memo of February 12, 1952, relative to community school districts and the Maine School Building Authority, the provisions pertaining to both of which are contained in Chapter 37 of the Revised Statutes and Chapter 127 of the Resolves of 1951.

You ask the following question: Can the Maine School Building Authority contract with community school districts in excess of the combined valuation of the participating towns?

A community school district may be accepted by the voters of towns and cities as provided by the Enabling Act in the Revised Statutes of 1944, Chapter 37, sections 92-A to K, inclusive. Under the provisions of Section 92-D the limit of indebtedness of the district may be established as a certain amount, but may not exceed 5% of the total of the last preceding valuation of all the participating towns, whichever is the lesser. This 5% limitation is the express mandate of the legislature.

If we are to say that the Authority may contract with a community school district for a sum over this express limitation, then we feel that it must be clearly shown that the 5% limit has been removed. We find no express provision of any statute eliminating the 5% limit.

The importance of the Maine School Building Authority and ^{of} the security to which a purchaser of its bonds must look for payment compels us to conclude that the limitation cannot be impliedly removed. If it were the intent of the legislature that the Building Authority could contract with a community school district in an amount in excess of the 5% limitation in the Enabling Act, it is well hidden.

This statutory debt limitation not being expressly removed by the legislature and it not being possible to infer its elimination our conclusion is that the Maine School Building Authority may not contract with community school districts in excess of the combined valuation of the participating towns.

Alexander A. LaFleur
Attorney General

jgf/c