

# MAINE STATE LEGISLATURE

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no

November 25, 1958.

To: Warren G. Hill, Commissioner of Education

I have your request for an opinion on the following questions:

1. If the City of Westbrook reports a resident pupil enrollment of 700 or more in grades 9 - 12 as of April 1, 1959, will that municipality be eligible to receive state aid the following December on any construction for which plans are approved in this office and a contract let prior to April 1, 1959?

Answer: From November 1, 1958.

2. Further, would the city be eligible for aid on construction approved in this office and contracted for during the period subsequent to April 1 and prior to July 1, 1959?

Answer: Yes.

Section 237-H of Chapter 41, R. S., 1954, provides in part

" . . . On the basis of information available in the office of the commissioner on November 1st of each year, he shall apportion, in December of that year, to School Administrative Districts the same percentage of said district's expenditures for capital purposes, including cash payments or interest and principal payments, or payments under lease agreements with the Maine School Building Authority that the district would be entitled to receive that year on operational cost under section 237-E. Said apportionment shall apply similarly to payments made for capital outlay purposes on school construction approved by the Commissioner of Education after August 28, 1957, in single municipality administrative units where the April 1st enrollment of resident pupils in grades 9 through 12 for that year is over 700 pupils in smaller administrative units when in the judgment of the Legislature, on recommendation of the commission, the formation of a School Administrative District by consolidation is not geographically or educationally practical."

Section 71, Chapter 41, R. S., 1954, provides:

"Each superintendent of schools shall annually on April 1st make returns to the Commissioner of the number of residents of the State enrolled in elementary and secondary schools in the administrative unit or units under his jurisdiction."

November 25, 1958

The term "that year" used in Section 237-H has been previously defined to mean the period that the report for capital outlay is reported to the Commissioner of Education. (See memo to Kermit Nickerson dated July 11, 1958.)

Therefore, it is my opinion that construction aid should be paid for the period of November 1, prior to the first April 1 report of a municipality having 700 or more resident pupils in grades 9 through 12. It follows that the answer to question #2 is in the affirmative.

George A. Wathen  
Assistant Attorney General