

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**For The Calendar Years**

**1963 - 1964**

## OPINIONS

January 4, 1963

To: Kermit S. Nickerson, Deputy Commissioner of Education

Re: State Aid for School Construction

I have reviewed the letter of December 17, 1962, from a Superintendent of Schools wherein he requests whether proposed alterations at the high school qualify for construction aid under section 237-H of chapter 41 of our Revised Statutes of 1954, as amended.

The applicable portions of section 237-H are as follows:

"Sec. 237-H. State aid for school construction. To provide further incentive for the establishment of larger school administrative districts, the commissioner shall allocate state financial assistance to School Administrative Districts on school construction approved subsequent to the formation of such districts, and on school debts, and Maine School Building Authority leases assumed by the district. . . .

" . . .

" 'Capital outlay purposes' as the term is used in this chapter shall mean the cost of new construction, expansion, acquisition or major alteration of a public school building. . . .

" . . .

"The term 'major alteration' as used in this section shall mean the cost of converting an existing public school building to the housing of another or additional grade level group, or providing additional school facilities in an existing public school building but shall not include the restoration of an existing public school building or piece of equipment within it, to a new condition of completeness or efficiency from a worn, damaged or deteriorated condition."

The proposed alterations consist of the installation of acoustical folding partitions in two of the large classrooms, the installation of sound-reducing draperies on the wall separating the kitchen and the cafeteria, and the application of darkening materials to certain windows of the cafeteria.

The proposed alterations do not qualify for that aid provided by 237-H. The proposed alterations are not "major alterations" within the definition of "major alteration" set forth in section 237-H. Certainly, if the words "major alteration" exclude the restoration of buildings or equipment "from a worn, damaged or deteriorated condition" to a "new condition of completeness or efficiency," the proposed alterations are not within the spirit of the words "major alteration."

JOHN W. BENOIT, JR.

Assistant Attorney General