

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**For The Calendar Years**

**1963 - 1964**

The trust department is a part of the trust company. It is not a separate legal entity. It must be subject to all limitations placed upon the trust company. To say that a trust company may not do a certain act but that the trust department of the same trust company can do the act is anomalous.  
Question 2:

May the stock of a trust company be considered as acceptable collateral in the bank's own pension fund? (This fund is under the control of the trust department of that bank.)

Answer:

No.

The same reasoning applies to this question as to the first question.

GEORGE C. WEST

Deputy Attorney General

May 16, 1963

To: Kermit S. Nickerson, Deputy Commissioner of Education

Re: Conversion of School Room — Section 237-H

Your memorandum of May 10, 1963 is hereby acknowledged.

Facts:

A school administrative district proposes to adapt a section of a building for use as a district administrative office. Formerly this building housed grades seven and eight in the town where the same is located. Presently, the building is not in use for school purposes. Estimated cost of the conversion: \$4,884.

The district has inquired of your department whether such construction is eligible for aid pursuant to Section 237-H, Chapter 41, R. S. 1954.

Opinion:

State aid for school construction is granted for capital outlay purposes. The words "capital outlay purposes" are defined as meaning, among other things, "the cost of new construction, expansion, acquisition or major alteration of a public school building." The proposed construction lies within the confines of the words 'major alteration' of a public school building.

There seems to be no doubt but that the building in question is "an existing public school building." The fact that the building is not presently being used for school purposes does not create a misnomer.

The term "major alteration" is defined in 237-H as meaning the conversion of "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."

If the proposed construction is eligible at all, such eligibility would lie within the words "providing additional school facilities in an existing public school building."

In the construction of the laws we should incline strongly towards the popular signification of language. In that way the legislative intent is most

apt to be reached. *State v. Johnson*, 20 Mont. 367, 51 P. 820. In *State v. Cave*, 20 Mont. 468, 52 P. 200, the court was presented with the task of determining "the scope of the expression 'additional school facilities.'" That court said the following, among other things:

....

" . . . It seems to us that the words 'additional school facilities' embrace some at least of the means necessary to 'support' or 'maintain' schools. It is not to be inferred, however, from anything said in this opinion, that the purchase of lots, or building of school houses, or the removal thereof, or building additions thereto, is included within the meaning of, 'additional school facilities,' for the statute expressly distinguishes each of these purposes from the other and from such 'school facilities.' . . . We think 'additional school facilities' mean facilities in addition to or beyond those already possessed. . . ."

" . . . To provide, when reasonably necessary or convenient, more school rooms, is to furnish additional school facilities."

....

In *Cave* the court said that "the words 'additional school facilities' . . . certainly embrace more than apparatus or appliances for teaching." The court borrowed from Roget's Thesaurus which gives "aid," "assistance" and "help" as equivalents of the word "facility." To be sure, a school administrative office center would be of aid, assistance and help to the school district. The proposed office, then, is a facility and qualifies for aid with as much merit and according to the same guidance principles applicable to "more school rooms," i. e., that such facilities be "in addition to or beyond those already possessed" and when such facilities are "reasonably necessary."

JOHN W. BENOIT

Assistant Attorney General

May 21, 1963

To: Colonel Robert Marx, State Police

Re: Sunday Sales of Mobile Homes

You ask whether Chapter 134, § 38-A, R. S. 1954, as amended, is applicable to the provisions of Chapter 134, § 38-B, R. S. 1954, as amended. We answer in the negative.

Chapter 134, § 38-A, states:

"Local option. — In any city or town that shall vote as herein-after provided, it shall be lawful to keep open to the public on the Lord's Day and aforementioned holidays, other places of business *not exempted under section 38*. This provision shall not be effective in any municipality until a majority of the legal voters, present and voting at any regular election, so vote. The question in appropriate terms may be submitted to the voters at any such election by the municipal officers thereof, and shall by them be so submitted when thereto requested in writing by 100 legal voters therein at least 21 days before such regular election; nor shall it