

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

For The Calendar Years

1963 - 1964

We have informed your department (November 27, 1961) upon a related matter, that the law does not require the State to inquire into the source of the funds which the administrative unit expends for capital outlay purposes. In that opinion we stated, inter alia:

.....

“ . . . our state subsidy law does not require that we look beyond the expenditure of the funds by the school district for the construction. . . . ”

Further, the subsidy for school construction is paid on a principle of reimbursement to the administrative unit for capital outlay expenditures. Your Department, in such an instance, determines from filed reports whether the expenditure of the administrative unit was or was not for a capital outlay purpose. If the purpose of the expenditure was to pay a capital outlay expense then the project is entitled to reimbursement.

JOHN W. BENOIT

Assistant Attorney General

October 18, 1963

To: Asa A. Gordon, Director of School Administrative Services

Re: Clarification of “municipal officials” in Section 111-J-1, Chapter 41, R. S.

Your memorandum of October 17, 1963 is acknowledged.

Facts:

R. S., c. 41, § 111-J-1 is as follows, in part:

.....

“Each municipality in a School Administrative District shall be represented at the meeting to determine the necessity for reapportionment by its municipal officers, district director or directors and 2 representatives from each municipality chosen at large by its municipal officials. . . . ”

Question:

What does the term “municipal officials” mean when used in this section?

Answer:

The mayor and aldermen of cities; the selectmen of towns; and the assessors of plantations.

Reason:

An applicable provision of our statutes is as follows:

“*Sec. 22 Rules of construction.* The following rules shall be observed in the construction of statutes, unless such construction is inconsistent with the plain meaning of the enactment.

.....

“XXVI. The term ‘municipal officers’ means the mayor and aldermen of cities, the selectmen of towns and the assessors of plantations.”

.....

The words "municipal officers" and "municipal officials" for the purposes of R. S., c. 41, § 111-J-1, are synonymous.

Respectfully yours,

JOHN W. BENOIT

Assistant Attorney General

October 18, 1963

To: Kermit N. Nickerson, Deputy Commissioner of Education

Re: Conveyance Contracts in School Administrative Districts

Your memorandum of September 16, 1963 is acknowledged.

Facts:

On September 12, 1947, Ralph W. Farris, Attorney General, forwarded a legal opinion to your department which stated that towns were authorized to purchase school buses on a conditional sales contract basis financed over a three-year period pursuant to Section 8 of Chapter 37, R. S. (now § 14, c. 41, R. S., as amended).

Presently, R. S., c. 41, § 111-N contains language similar to the language existing in c. 37, § 8, R. S. when Attorney General Farris wrote the aforementioned opinion; and the only difference in substance is that the former section referred to towns while the latter section refers to school administrative districts.

Question:

Whether the principle expressed in the September 12, 1947 opinion applies to school administrative districts?

Answer:

Yes.

Reason:

Because of the similarity of c. 41, § 111-N, R. S., as amended, to the law which was before Attorney General Farris in 1947 (c. 37, § 8, R. S.) when he wrote the opinion already mentioned, we incorporate the principle expressed therein as being applicable to school administrative districts.

JOHN W. BENOIT

Assistant Attorney General

October 25, 1963

To: Raeburn W. Macdonald, Chief Engineer
Water Improvement Commission

Re: Industrial Wastes

Facts:

The Water Improvement Commission is continually running into the insistence that a municipality building a treatment plant must consider the fact that they can be obliged to admit to the system, even though the system was designed for sanitary sewage alone, industrial waste irrespective of whether amenable to the process designed for sanitary waste and regardless