

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

✓
920
May 15, 1964

Asa A. Gordon, Director, School
Administrative Services

Education

John W. Benoit, Assistant

Attorney General

Additions to School Administrative District; Agreement

FACTS:

The Towns of Burlington and Enfield have applied to the State Board of Education (hereinafter called State Board) to join School Administrative District #31. R. S., c. 41, § 111-P. The State Board, under the provisions of Section 111-P, is charged with the responsibility of making a study and of preparing an agreement whereby the Towns may vote on the question whether or not to join the District. In the drafting of the agreement, the State Board recognizes the differences in the fiscal years of the District and of the Towns. If it is legal to do so, the State Board will recommend that the Town of Burlington retain one-sixth of its school appropriation since five-sixths of the Town's fiscal year lies within the District's fiscal year; and the State Board will further recommend that the Town of Enfield retain one-eighth of its school appropriation since seven-eighths of that Town's fiscal year lies within the District's fiscal year.

Your memorandum states an awareness of the existence of Section 111-R in Chapter 41 of our Revised Statutes wherein school account balances are paid over to the District treasurer when a School Administrative District first becomes operational. Nothing is stated in the Section, however, upon the subject of district addition.

QUESTION:

May the State Board of Education legally include an appropriate proportional financial provision in the agreement to be drawn by it pursuant to R. S., c. 41, § 111-P?

ANSWER:

Yes.

REASON:

Appropriate portions of Section 111-P are:

" . . . The School District Commission (now
State Board of Education, R. S., c. 41, § 111-B)

shall receive the application, make a study of the necessity for joining this municipality with an existing School Administrative District and recommend an agreement by which the municipality may become a member. . . ." R. S., c. 41.

Section 111-R, mentioned earlier, is not applicable in the present instance for the reason that the instant facts are involved with additions to an existing district rather than with an original district formation.

No one could expect the Legislature to enact legislation in the area of district addition which would cover the plural ramifications involved in such an undertaking. Thus, the statute authorizes the agreement arrangement.

The proposed recommendation of the State Board is an equitable approach in a situation calling for the application of equity. The present facts reveal the wisdom of the lawmakers in their grant of unencumbered authorization to the State Board permitting their study of the circumstances and their "recommendation of an agreement" predicated upon those circumstances.

John W. Benoit
Assistant Attorney General

JWB/eh