

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**

September 21, 1965

Kermit S. Nickerson, Deputy
Commissioner
John W. Benoit, Assistant

Education
Attorney General

**Application of Superintending School Committee of Town of Bristol
to Provide Space for an Industrial Arts Classroom.**

FACTS:

The Bristol Superintending School Committee has filed application with the State Board of Education requesting the Board's approval of Bristol's use of either the town hall at Bristol Mills or the space under the school gymnasium at Bristol Consolidated School, for an industrial arts classroom. The application states that if the town hall is to be utilized as an industrial arts classroom, it will require construction involving the heating plant, and the water and toilet facilities. Too, construction would also be a condition precedent to the use of the space beneath the subject gymnasium.

This matter of improved facilities concerning the industrial arts program in Bristol has been under consideration by the State Department of Education for some time. In 1960, the Department notified the Bristol school officials that industrial arts facilities were inadequate and that further approval of the program was contingent on improvements thereof. At that time, extensions were given until 1964. The Department gave notice that no extension would be granted after the close of the 1964-65 school year.

The 102nd Legislature amended the laws relating to public schools as follows:

"Any secondary school plans for construction or additions to buildings designed to enroll fewer than 300 pupils may be approved or disapproved by the board on the basis of the adequacy of the total educational program. Plans may not be approved for a secondary school which employs fewer than ten teachers except in areas which are geographically isolated."

This measure appearing in P. L. 1965, c. 110 amended 20 M.R.S.A. § 3623 by adding the reference language thereto.

The Bristol secondary school employs fewer than ten teachers; and is not considered to be geographically isolated.

QUESTION:

Whether the State Board of Education has authority to approve the construction involved in either of the two proposals inasmuch as Bristol High School employs fewer than ten teachers and is not geographically isolated?

ANSWER:

No.

REASON:

The reference, applicable provision of law quoted above prohibits the State Board of Education from approving plans involving construction of or additions to secondary schools employing fewer than ten teachers; with the proviso that the prohibition does not pertain to schools located in areas which are geographically isolated. According to the given facts, the secondary school in Bristol employs less than ten teachers; and the school is not geographically isolated.

John W. Benoit
Assistant Attorney General

JWB/eh