

# MAINE STATE LEGISLATURE

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November 23, 1965

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State Construction Aid to Regional Technical and Vocational Centers.

FACTS:

The 102nd Legislature enacted chapter 440 of the Public Laws providing, in part, that "when any administrative unit has constructed, subsequent to the effective date of this Act, an approved facility to be used as a regional technical and vocational center according to an approved plan as provided in section 2356-A, \* \* \* the Commissioner of Education shall make the following grants \* \* \* ." P. L. 1965, c. 440, § 3.

A certain school administrative district is presently planning to build a new school facility and also intends that the building be approved by the State Board as a regional technical and vocational center after construction is completed.

The reference Act also carries a provision appropriating monies "for the fiscal year ending June 30, 1967." No appropriation was made for the fiscal year ending June 30, 1966. P. L. 1965, c. 440, § 4.

QUESTIONS:

1. If, subsequent to the effective date of chapter 440, a school administrative district builds a school facility to serve as a regional technical and vocational center which is, at a later date, approved by the State Board as such a center, may the Commissioner of Education grant construction aid to the district pursuant to the reference Act if construction occurs prior to the existence of an approved State plan (to be drawn pursuant to § 2356-A of the reference Act)?

2. Does the fact that the Legislature chose only to appropriate monies for the fiscal year ending June 30, 1967 have any bearing upon the determination of the effective date of the Act?

ANSWERS:

See REASON below.

REASON:

According to the given facts, a school administrative district plans to build a new school facility to serve as a regional technical and vocational center. Construction will commence following the effective date of the reference Act, and is to be completed prior to receiving approval by the State Board as a regional technical and vocational center. That being so, a question is posed whether such construction would qualify for the grant specified in the subject Act.

According to applicable provisions of Chapter 440, approval of the project must be granted prior to the commencement of construction.

\* \* \* \*

"Notwithstanding the foregoing provisions, no assistance for construction shall be paid until after the superintendent of schools of the administrative unit applying therefor shall certify to the commissioner, on forms provided by him that the building has been completed in accordance with the requirements of section 3623 and that the building will be used forthwith for the establishment, maintenance and operation of a regional technical and vocational center which, prior to the commencement of construction, has been approved in accordance with section 2356-A. \* \* \* ."

Unless the given facts indicate that construction of a project is to be completed during the fiscal year ending June 30, 1966, the second question is moot. The given facts do not indicate that the subject center is to be completed in the present fiscal year.

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JWB/eh