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Commissioner
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Education
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Interpretation of P. L. 1967, c. 224 and Its Effect on 20 M.R.S.A.
§ 2356-A, et seq.

FACTS:

The 103rd Legislature has enacted P. L. 1967, c. 224 (L.D. 107) amending certain provisions appearing in Title 20 of the Maine Revised Statutes regarding the procedures to be utilized in the funding of school construction. The 102nd Legislature enacted P. L. 1965, c. 440 providing for regional and technical vocational centers; for state aid concerning said centers; and other provisions related to those centers.

Certain questions have arisen relative to the application of P. L. 1967, c. 224 and 20 M.R.S.A. § 2356-A, et seq.

QUESTIONS:

1. "Whether P. L. 1967, c. 224 (L.D. 107) places all school construction aid back on the original so-called installment basis"?
2. "Whether, if funds are available in sufficient quantity, P. L. 1967, c. 224, § 10 permits the payment of full state assistance in a lump sum following completion of construction * * * "?
3. "Whether the Commissioner is obligated to pay in full on the lump sum method the unit's full construction subsidy simply because in filing its claim the unit either was fortunate enough or careful enough in timing its claim, to make this filing before the funds appropriated for the annual installments on the older projects could be expended for the purpose for which they were appropriated"?
4. Does P. L. 1967, c. 224 operate in such a fashion as to constitute authority for lump sum payments under 20 M.R.S.A. § 2356-B?

ANSWERS:

See REASON below.

REASON:

The first question is answered in the affirmative. See: P. L. 1967, c. 224, § 10, 11.

In answer to the second question, lump sum payments are to be considered only as to projects authorized "between May 11, 1966 and the effective date of P. L. 1967, c. 224." P. L. 1967, c. 224, § 11.

We concur with the conclusion set forth in your memorandum, i.e., that monies appropriated by the Legislature to be expended for the payment of the State's obligation on school construction projects authorized under the prior installment payment method, are not to be utilized for the purpose of making lump sum payments for those projects authorized between May 11, 1966 and the effective date of P. L. 1967, c. 224 (April 27, 1967). We answer the third question in the negative.

We answer the fourth question in the negative, noting that § 2356-B of Title 20 contains the following legislative mandate; " * * * the grants provided in this section shall be paid at such times and in such installments as are provided for in section 3457." P. L. 1967, c. 224 has amended § 3457 to provide for the reference installment payments.

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JWB/eh