

MAINE STATE LEGISLATURE

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September 20, 1967

Keith L. Crockett, Executive Director
Division of Field Services
John W. Benoit, Assistant

Education
Attorney General

Design of Athletic Fields and Physical Education Areas.

FACTS:

On July 28, 1964, this office issued a written opinion stating that the public school laws of this State did not require the Commissioner of Education to approve plans for site work regarding the construction of an athletic field. Authority for that opinion was given as R.S. 1954, c. 41, § 25 (Now: 20 M.R.S.A. § 3622)

The Maine Legislature has amended 20 M.R.S.A. § 3457 to provide that the term "school building" (as used in § 3457) shall mean "any structure or athletic field used or useful for schools and playgrounds, including facilities for physical education." (Emphasis supplied)

QUESTION:

Whether the existence of the reference definition of "school building" (amended so as to include "athletic field") alters our opinion of July 28, 1964, thereby requiring the Commissioner of Education's approval of plans of athletic fields?

ANSWER:

No.

REASON:

The reference definition of "school building" was amended by the 102nd Maine Legislature. P.L. 1965, c. 475, § 2; effective May 11, 1966. By reason of its own limitations, the definition of "school building" is only made applicable to the section within which it is stated:

"The term 'school building' as used in this section shall mean any structure or athletic field used or useful for schools and playgrounds including facilities for physical education."
20 M.R.S.A. § 3457. (Emphasis supplied.)

Keith L. Crockett

September 20, 1967

The provisions concerning the Commissioner's approval of plans for the erection or reconstruction of school buildings specified in 20 M.R.S.A. § 3621-3624 are not altered by the definition of "school building" in 20 M.R.S.A. § 3457.

John W. Benoit
Assistant Attorney General

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