

MAINE STATE LEGISLATURE

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November 14, 1967

Asa Gordon, Exec. Director, School
Administrative Services
George C. West, Deputy

Education
Attorney General

In your memo of November 9 you have asked for an interpretation of the last sentence of 20 M.R.S.A. § 212, subsection 2. This sentence reads as follows:

"It is the intent of the Legislature that all administrative units not in school administrative districts and operating high schools with less than 300 pupils in grades 9 through 12 shall submit plans for school district reorganization to the board at least once in each two-year period until the process of reorganization is completed."

QUESTION NO. 1:

Does this particular section mean that school committees must file applications for the formation of a school administrative district at least once in each two-year period until the process of reorganization is completed?

ANSWER NO. 1:

No.

QUESTION NO. 2:

Does this sentence mean that each school committee must file with the State Board of Education written plans outlining how school district reorganization could thus be accomplished for their particular town?

ANSWER NO. 2:

Yes, presumably.

OPINION:

The sentence for which you have asked an interpretation is most unclear. Probably a strict construction of the sentence would require a negative answer to both questions. However, I cannot believe that the legislature actually means what it says.

If we construed the sentence literally, it would mean that all administrative units operating high schools with less than 300 pupils must submit plans for the reorganization of all school districts at least once in each two-year period until every school district in the State is reorganized. This, of course, makes no sense at all.

Actually, in order to interpret this sentence we must consider it contains language that does not appear therein. We are interpreting this sentence as though it read:

"It is the intent of the legislature that each administrative unit not in a School Administrative District and operating a high school with less than 300 pupils in grades 9 through 12, shall submit a plan to the board once in each two-year period for its entry into a new or existing School Administrative District."

It would be useless to require an individual administrative unit to file an application for the formation of a School Administrative District unless the towns with which the individual unit wished to associate were also willing to file such an application. It would appear that the legislature wanted the board to know what the school committee of each individual unit would prefer to do relative to organizing a new School Administrative District or joining an existing district.

It would also appear that the legislature recognized the fact that personnel of school committees may change and the thinking of one school committee would not be the same as a succeeding committee. Hence, the requirement of biennial filing until the school was in a School Administrative District.

George C. West
Deputy Attorney General

GCW:H