

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

For the Years
1967 through 1972

opinion dated December 22, 1960 which deals with the same situation and which reaches the same result.

WENDELL R. DAVIDSON
Assistant Attorney General

Lieut. Kenneth Wood, Traffic Div.

June 14, 1968
State Police

Classification of Church Owned Buses

SYLLABUS:

Buses owned and operated by a Church solely for the purpose of transporting children to and from Sunday School and other Church functions are not "School Buses" as defined in 29 M.R.S.A. § 2011.

FACTS:

Two buses are being operated by a Church for the purpose of transporting children to Sunday School and other Church functions.

These buses meet all the requirements of School Buses as to color, lighting and signing. They have been submitted to a School Bus approved Inspection Station for the purpose of complying with Par. 9 of Section 2011.

The Church authorities have been advised by DMV that they do not have to comply with Sect. 2012 (School Bus Operator's Requirements) as the vehicles are not school buses.

QUESTION:

Whether under the above stated facts, Church owned and operated buses used for transporting children to Sunday School and to other Church functions are to be considered "School Buses" as defined in 29 M.R.S.A § 2011?

ANSWER:

No.

OPINION:

20 M.R.S.A. § 2011 reads in part as follows:

"The term 'school bus' includes every motor vehicle with a carrying capacity of 10 or more passengers, owned by a public or governmental agency or private school and operated for the transportation of children to or from school, or to or from any school activities at a school regularly attended by such children, or privately owned and operated for compensation for the transportation of children to or from school or to or from any school activities at a school regularly attended by such children, or to and from any municipally sponsored, nonschool activity within the State for which use of a bus has been approved by the superintending school committee, community school committees or board of directors; school as used in this sentence shall mean either a private or public

school. Buses operated by a motor carrier having a certificate of public convenience and necessity issued by the Public Utilities Commission under Title 35, Sections 1501 and 1518, which comply with the requirements of the Commission shall not be regarded as 'school buses.' ”

It is clear from the foregoing language that the legislature did not contemplate the inclusion of buses operated by Churches for Sunday School and other Church activities. The language designates that the motor vehicle must be used for “school activities at a school regularly attended by such children” or for a “municipally sponsored, non-school activity.” Even the most liberal reading of this language does not include Church owned buses. It appears that the legislature was careful to exclude church operated buses.

JOHN N. KELLY
Assistant Attorney General

June 18, 1968

F. S. McGuire, Director
Department of Physical Plant
University of Maine
Orono, Maine 04473

Dear Mr. McGuire: Re: Combining of Bond Issue Funds for Buildings

SYLLABUS:

Bond issues may be combined for construction purposes when (1) language in one or both bills permits and (2) there is a relationship in the uses of the buildings to be constructed.

FACTS:

Chapters 183 and 190 of the P & S laws of 1967 authorized the construction of a Research and Advanced Study Building and a Law School respectively, both to be located in Portland, Maine. The State appropriation (\$920,000) for the Law School project appears to be insufficient to provide a durable building of the size needed. In searching for a solution to the dilemma, consideration is being given to the feasibility of combining the Law School and Research and Advanced Study Center in a single building. Both disciplines are in the graduate area.

It has been determined that many areas can be used in common and yet it is architecturally possible to achieve physical separation where such is necessary. Moreover, a combined facility quite likely can be constructed more economically.

One approach would be common use of the basement (utilities, including heating plant, storage areas, snack bar, etc.). The first and second floors would be occupied by the Law School because of student traffic volume. The third floor could contain libraries of both disciplines (but separated), seminar and conference rooms and a large lecture room or auditorium. The fourth, fifth and sixth floors would be allotted to the Research and Advanced Study Center. This latter activity may have a somewhat modest beginning, and so as it grows it can be expected to recapture any space temporarily occupied by the Law School. As need arises for more Law School space, the University will have to seek authorization to add to the building lower levels. Current design would recognize this eventuality.