

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

For the Years
1967 through 1972

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.

It is known that both activities will frequently be researching in common fields such as human resources and oceanography. It thus seems very desirable from several viewpoints for both to be under one roof.

QUESTION:

May the proceeds from the two bond issues be combined to build one building housing the two schools?

ANSWER:

Yes.

REASON:

The answer to this question must be found within the framework of the two bond issue acts. P. & S. L. 1967, Chapter 183, was enacted during the regular session. It was ratified by the people at a special election on September 12, 1967 and duly proclaimed by the Governor. This Act authorized the construction of a research and advanced study building for the University of Maine at Portland and the issuance of bonds not exceeding \$1,800,000.

P. & S. L. 1967, Chapter 190, was enacted at the first Special Session in October 1967. It was ratified by the people on November 5, 1967 and duly proclaimed by the Governor. This Act authorized issuance of bonds for certain facilities for the University of Maine. One such facility was a Law School Building in Portland in the amount of \$920,000.

An examination of Chapter 190 reveals no unusual provisions. It contains the standard language of most bond issues. It does provide for 7 different capital improvements for the University of Maine.

In Chapter 183 there are some unusual features. Section 8 reads:

“This Act shall not in any manner preclude the university from obtaining construction funds in any other ways or from any other sources; or from accepting from any authorized agency of the Federal Government loans or grants for the planning, construction or acquisition of any project; or from entering into agreements with such agency respecting any such loans or grants.”

This type of provision is not usually found in bond issue Acts. It is not even indirectly included in Chapter 190 involving the Law School. Some of this language would allow the combining of the two sums to build one building.

Certainly, money authorized for the Law School building can be said to be “construction funds . . . from any other source (s) ” as it applies to the Research and Advanced Study building.

Also, one should bear in mind that a Law School, properly administered, will in large part devote itself to research and advanced study. Thus, the two areas are somewhat akin and it would not be stretching too much to have the two proposed buildings joined into one.

The main limitation which must be applied is the proportion of money involved. As set forth in the Facts, the building should be apportioned as to use in proportion to the money available to each purpose.

Very truly yours,
GEORGE C. WEST
Deputy Attorney General