

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

For the Years
1967 through 1972

handicapped children.

Private and Special Laws 1967, Chapter 229, created the new University of Maine, by which this state college became a part thereof. On May 26, 1968, “. . . all of the assets, tangible or intangible, real, personal and mixed, of, or used in connection with . . . Farmington State College . . . except such as are in trust or are subject to limitations purporting to restrict their transferability or assignability, are transferred and assigned to the university.” Section 4-C.

QUESTION:

Did ownership of the equipment, materials and supplies purchased for the Special Education Instructional Materials Center at Farmington State College with federal funds and used in the education of handicapped children pass to the University of Maine by virtue of P. & S. L. 1967, Chapter 229, §4-C?

ANSWER:

No.

REASON:

There is another provision of 20 USCA which must be considered. Section 874 (f) states:

“The (State) plan must provide that the State educational agency will be the sole agency for administering or *supervising* the administration of the plan.” (Emphasis supplied.)

At the time the equipment, material and supplies were purchased, Farmington State College was under the supervision of the Department of Education. The federal law provides, in substance, that the Department of Education must supervise the plan, which includes the Special Education Instructional Materials Center. It no longer can supervise the Special Education Instructional Materials Center, since Farmington State College became a part of the University of Maine. The requirement of supervision must be considered as a “limitation (s) purporting to restrict their transferability or assignability” so that they were not transferred to the university by P. & S. L. 1967, Chapter 229, § 4-C.

GEORGE C. WEST
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August 24, 1970
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Building at SMVTI

SYLLABUS:

The underlying intent of a bond issue will govern the interpretation of the language.

FACTS:

P. & S. L. 1969 Chapter 240, was a bond issue which authorized \$3,825,000 to construct buildings at the four state technical institutes plus a building for the Boys Training Center. We are here concerned with the item listed as:

“Southern Maine Vocational-Technical Institute

Culinary arts and electronics electrical building 1,010,000”

The Bureau of Public Improvements and the Department of Education both have indicated that it will be impractical to construct one building housing a culinary arts department and an electronics electrical department. Both agree that two separate buildings at separate locations on the campus would be the more desirable. It is pointed out that the two departments are not necessarily compatible. There is no logical connection between the two functions.

QUESTION:

May separate buildings be constructed to house the culinary arts and electronics electrical departments?

ANSWER:

Yes.

REASON:

The legislature has indicated and the people have approved a sum of money to institute two additional courses or programs at SMVTI. In doing this the language used was a “building” rather than “buildings.” To what extent should reason and practicality be smothered by technicality? It can be pointed out that in the construction of statutes,

“Words of the singular number may include the plural; . . .” 1 M.R.S.A. § 71, subsection 9,

unless inconsistent with the plain meaning of the enactment. We find nothing inconsistent with an interpretation allowing separate buildings to be constructed. A rule of statutory construction is to consider legislative intent and object it had in view. *Hanbro Inc. v. Johnson*, 158 Me. 180. In construing a statute, we must look to purpose for which law is enacted and must avoid a construction which leads to a result not within contemplation of lawmaking body. *Greaves v. Houlton Water Co.* 143 Me. 207. A construction should be avoided which leads to a result which is absurd even though strict letter of law may have to be disregarded. *Emple Knitting Mills v. City of Bangor*, 155 Me. 270.

We believe the underlying intent is to give to SMVTI adequate space to teach culinary arts and electronics electrical, not just to construct a building. The construction of a facility or facilities is incidental to the reason for the bond issue. (An analogy to the foregoing is the error in computation of the sub-total. This can be ignored because it does not change the final total.)

GEORGE C. WEST
Deputy Attorney General