

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

For the Years
1967 through 1972

to a tax for the year received under the provisions of 36 M.R.S.A. § 2513 as an annuity consideration.

JEROME S. MATUS
Assistant Attorney General

November 10, 1971
Education

Elwood A. Padham, Assistant Commissioner

Interpretation of grants to regional technical vocational centers.

SYLLABUS:

A School Administrative District, which regularly operates a regional technical and vocational center in its own district, cannot receive state aid as reimbursement for its operation and administration of an evening adult vocational education program located in another school administrative district.

FACTS:

The Lake Region School District, School Administrative District (S.A.D.) No. 61, which is located in Bridgton, Maine, has a regional technical vocational center as part of the comprehensive high school. When evening programs are offered at this regional center, 90% of the cost of instruction for approved part-time and evening classes is paid by the State of Maine, pursuant to 20 M.R.S.A. § 2356-B(2), and the remaining 10% of the cost of instruction is paid by S.A.D. No. 61.

School Administrative District No. 17, which is located in South Paris, Maine, does not have a regional technical and vocational center; however, it pays the tuition for its secondary level students who are sent to the regional technical and vocational center operated by S.A.D. No. 61 in Bridgton.

A plan has been presented to the Maine Department of Education whereby S.A.D. No. 61, in Bridgton, would operate and administer an adult vocational education program that would be located in South Paris (S.A.D. No. 17), as a "satellite center" to the regional technical and vocational center in Bridgton. Under the proposed plan, S.A.D. No. 61 would be applying to the State for reimbursement, in the amount of 90% of its cost of instruction resulting from the adult vocational education program to be conducted at South Paris, and S.A.D. No. 17 would be required to pay the remaining 10% of said cost.

QUESTION:

Can a school administrative district, which regularly operates a regional technical and vocational center in its own district, receive State aid as reimbursement for costs of instruction resulting from its operation and administration of an adult vocational education program located in another school administrative district?

ANSWER:

No.

REASONS:

This opinion is based upon the finding that, by the provisions of 20 M.R.S.A. § 2356-B(2) and other related sections, the Legislature intended that State aid be granted by the Commissioner of Education, as reimbursement for costs of instruction in connection with approved part-time and evening adult vocational education programs, *only* when such programs are offered by an administrative unit at an approved regional technical and vocational center which is operated by said administrative unit.

The language found in the introductory paragraph of section 2356-B specifically provides that the Commissioner of Education shall make grants for construction and cost of instruction as described in subsections 1 and 2 of section 2356-B.

“when any administrative unit has constructed, subsequent to the effective date of this Act, an approved facility to be used as a *regional technical and vocational center* . . . or shall maintain and operate such a *regional technical and vocational center* in a facility . . . which is approved by the State Board of Education for the maintenance and operation of such a center.” (Emphasis supplied)

Furthermore, section 2356-F specifically provides that:

“ . . . any adult or out-of-school youth seeking to attend part-time or evening programs, where offered, whether such courses are free or are subject to payment of tuition charges either by the prospective student or by the administrative unit where he resides . . . may attend any *regional technical and vocational center* established under sections 2356-A and 2356-G *which serves his area*, as defined in section 2356-A . . . ” (Emphasis supplied)

This quoted language of section 2356-F indicates that it is intended that an adult seeking to attend a part-time or evening technical or vocational program should attend such a program at a State approved regional technical and vocational center established under section 2356-A and 2356-B, which serves the area of the State where he resides.

Finally, a reading of the entire legislative Act, by which the statutory provisions referred to and quoted from in this opinion were enacted, reveals that, when enacting this legislation, the Legislature made no provision for the granting of State aid for the instructional costs of a “satellite adult vocational education program”, such as the program which is the subject of this opinion, where the program would be conducted by a school administrative district at a location other than that of a State approved regional technical and vocational center. Therefore, under the facts presented, School Administrative District No. 61 in Bridgton could not receive State aid as reimbursement for its instructional costs resulting from its operation of an adult vocational education program located in a school building operated by S.A.D. No. 17 in South Paris, Maine.

CRAIG H. NELSON
Assistant Attorney General

November 22, 1971
State

Peter M. Damborg, Deputy Secretary of State

SYLLABUS:

A candidate for political office, who has won his own party's primary election, and who has won a second party's primary election by virtue of write-in votes, is not disqualified from accepting nominations of both parties.