

MAINE STATE LEGISLATURE

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Local Funding of a Bus Garage

You have asked two questions relating to construction of a bus garage by a School Administrative District. You have asked first whether the SAD may accept a financial gift from the individual towns making up the district, which gift would be earmarked for construction of a bus garage. The answer to this question is yes, subject to approval of such construction by the State Board of Education. 20 M.R.S.A. § 217 states in part that:

"Any municipality within any School Administrative District that has taken over the operation of the public schools may raise and appropriate monies and transfer the same by vote of the municipality to the School Administrative District solely for capital outlay purposes."

20 M.R.S.A. § 3457 defines capital outlay purposes as that term is used in Title 20 as follows:

"The cost of new construction, expansion, acquisition or major alteration of a public school building. . . ."

The term school building as used in 20 M.R.S.A. § 3457 is defined to mean:

"Any structure or athletic field used or useful for schools and playgrounds, including facilities for physical education."

A bus garage is a "structure . . . used or useful for schools" therefore expenditures for a bus garage constitute a capital outlay as that term is defined by Title 20 and individual municipalities may appropriate and transfer funds for such a capital outlay purpose to the SAD of which they are a member.

Your second question is whether carryover funds from the preceding fiscal year may be used to finance the cost of construction of bus garage if an article is included in the SAD warrant at the annual meeting. The answer to this question is a conditional yes. 20 M.R.S.A. § 3713(9) states:

"Balances of state and local allocations at the end of June 30 each year may be carried forward to meet the next years school needs in an amount not to exceed 10% of the total state and local allocation of the year just completed. Any excess above this amount shall be returned to the Treasurer of State."

Subject to the above limitation contained in § 3713(9), and again subject to approval of the project by the State Board of Education, carryover funds from the previous fiscal year may be used for construction of a bus garage.

HBWJr/mf