

MAINE STATE LEGISLATURE

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JOSEPH E. BRENNAN
ATTORNEY GENERAL



JOHN W. BENOIT, JR.
RICHARD S. COHEN
MARTIN L. WILK
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

October 16, 1975

Honorable James McBreairty
R. 1
Caribou, Maine 04736

Dear Representative McBreairty:

This is a reply to your letter of October 9, 1975.

First, you ask whether the amount of funds a plantation receives from the Organized Townships Fund may be used to reduce the plantation's obligation to the State under the School Finance Act of 1975. The answer is no. Whatever amount a plantation is required to pay the State Treasurer under the School Finance Act of 1975 must be submitted in full without any reduction in that obligation represented by sums the State may owe the plantation, such as funds plantations receive from the Organized Townships Fund. The provisions of 36 M.R.S.A. §§ 451, 452 and 453 require all municipalities to pay the State Treasurer an amount of uniform school tax; and there is no language in the School Finance Act of 1975 allowing for a "setoff" against that statutory obligation. To the extent a "setoff" existed in any municipality, that municipality would not be paying its full share of the uniform school tax.

Next, you ask whether a plantation may use the income it receives from the Organized Townships Fund for any purpose other than school purposes. The answer is no. The provisions of 30 M.R.S.A. § 4166 state that the income from the Organized Townships Fund shall be "applied toward the support of schools according to the number of scholars in each school." The provisions of § 4166 allow Lakeville Plantation, Penobscot County, to expend its amount from the Organized Townships Fund in accordance with the provisions of the section "and any excess shall, under the supervision and direction of the superintending school committee of Lakeville Plantation, be used to establish scholarship aid for students of Lakeville Plantation to receive post high school education." Thus, even the legislative "exception" for Lakeville Plantation still specifies that the Organized Townships Fund must be used for school purposes.

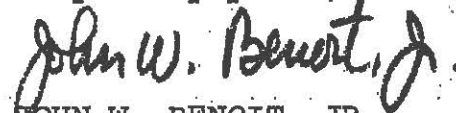
Hon. James McBreairty

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Your third question asks whether the income a plantation receives from the Organized Townships Fund may be invested by the plantation and the income from such investments be used for purposes other than school purposes. The answer is no. We find nothing in the Maine statutes relating to the Organized Townships Fund that allows a plantation to utilize either the principal or interest for purposes other than school purposes.

Very truly yours,



JOHN W. BENOIT, JR.
Deputy Attorney General

JWBJr./ec

cc: H. Sawin Millett, Jr.,

Commissioner of Educational and Cultural Services