

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date May 20, 1977

To H. Sawin Millett, Jr., Commissioner Dept. Educational & Cultural Services
From Waldemar G. Buschmann, Assistant Dept. Attorney General
Attorney General
Subject Use of the Word "Convening" in 20 MRSA § 305

QUESTION:

You have inquired as to whether the cost sharing formula, as prescribed under 20 MRSA § 305, for the member municipalities of an administrative district must be determined on an annual basis since the Legislature now convenes annually?

ANSWER:

Yes. Although 20 MRSA § 305 was adopted prior to the Constitution's being amended to allow for annual sessions of the Legislature, the word "convening" would apply to the annual sessions.

Under Article 4, part 3, section 1 of the Constitution of Maine, prior to its being amended by Amendment CXXX, the Legislature was constitutionally required to meet only once every two years. Now there is a constitutional certainty that the Legislature shall meet on a regular basis every year, at least for the purposes of acting on "budgetary matters." Further, the constitutional amendment specifically uses the word "convene" in referring to the commencement of each annual session.

Since 20 MRSA § 305 is concerned with the method of sharing costs among member municipalities of a school administrative district, it is only logical that the most recent information be made available for making such a decision. § 305 requires that the board of directors shall determine how costs shall be shared among the municipalities in the district prior to the "convening" of the Legislature. Therefore, it is my opinion that the board of directors of each school administrative district shall annually determine how costs shall be shared by the member municipalities since the Legislature convenes annually.

WGB:va