

# MAINE STATE LEGISLATURE

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April 9, 1980

Harold Reynolds, Jr., Commissioner  
Department of Educational & Cultural Services  
State House Station #23  
Augusta, Maine 04333

Dear Commissioner Reynolds:

This is in response to your oral request of March 31, 1980, as to whether municipalities within former Vocational Region #5 (Hancock County) are still liable for their share of debt service costs which were not paid to the Region before the Ellsworth Vocational Center came into existence.


The language in P & SL 1979, c. 37, "An Act to Authorize the Citizens of Hancock County to Vote on the Matter of Converting Vocational Region #5 to a Vocational Center", states that if a vocational center is established in Ellsworth to replace Region #5, then "all rights, duties, powers, obligations, assets, liabilities, privileges and immunities of the region and its cooperative board are transferred to and are assumed by the City of Ellsworth." Since debt service on the Boggy Brook Facility was a liability of Region #5, the City of Ellsworth assumed it when the Center was established. Similarly, since the Legislature expressly conferred upon the City all the rights and assets of Region #5, it is entitled to receive the funds which the member municipalities still owed the Region for their share of the debt service on the Boggy Brook Facility at the time the Region was dissolved. Accordingly, the municipalities should make those payments to the City of Ellsworth as the successor to the Region.

Although the debt service payments on the Boggy Brook Facility are now the responsibility of Ellsworth and Ellsworth will be eligible for appropriate state reimbursement, there should not be any additional state reimbursement for the local share of the debt service payments which were the liability of the Region prior

to the dissolution of the Region. As was explained in the October 18, 1978, opinion of this Office the State's authority to allocate funds for the Boggy Brook Facility's debt service payments is limited to its share of those payments. The local share of the payments are, therefore, not eligible for state reimbursement.

In conclusion, any sums owed the Region by its member municipalities for past debt service payments should be made to the City of Ellsworth. Also, since these payments represent part of the local share of the Region's debt service on the Boggy Brook Facility before the Region was dissolved, they are not eligible for state reimbursement.

Sincerely,



RICHARD S. COHEN  
Attorney General

RSC:mfe