

MAINE STATE LEGISLATURE

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December 2, 1916

To Glenn W. Starkey, State Superintendent of Schools
Re: Transportation to Private School

I have carefully examined the correspondence between you and the superintendent of schools of South Portland and Cape Elizabeth, and from the same I gather that there are three distinct questions involved.

First: Is it proper for a town or city to pay for the conveying of its children to a private school maintained at Fort Williams, a Government reservation located in the town of Cape Elizabeth?

Second: Can the superintending school committee vote a part of its common school fund for the maintaining of such school?

Third: Can the town buy school books for children residing in said town and attending such school?

In reply to the first question, I see no objection to a city or town paying for transportation of its children to the Fort Williams school, provided, however, that the superintending school committee deem such conveyance necessary.

My reply to the second question is that common school funds cannot be used to help maintain a private school unless such private school is under public control. If the school should desire to come under public control, I can see no objection to using the common school funds to help maintain it.

In answer to the third question, the matter to my mind seems to be one that should be wholly decided by the town. The appropriation for school books and supplies is entirely outside of the common school fund in which the State is interested. It is an appropriation by itself, the same as its highway appropriation. I would say, however, that I can see no objection to a town using a part of this fund for the purchase of its books for its children attending such private school when it appears to be more convenient for the children of the town to have them do so. . . .

Oscar H. Dunbar
Assistant Attorney General