

MAINE STATE LEGISLATURE

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September 22, 1941

Joel Earnest, Commissioner of Health and Welfare
Re: School Lunches in Unorganized Territory

Section 1 of Chapter 256 of the Public Laws of 1939 provides that any city, town or plantation may apply to the Department of Health and Welfare for funds for the relief of its unemployables. It also provides that no funds shall be paid to any city, town or plantation until the management of its affairs has been taken over by the Emergency Municipal Finance Board. It further provides that the Department of Health and Welfare may render aid and relief to unemployables located not only in such cities, towns and plantations, but to unemployable persons located in unorganized territories.

It may be that the provisions of this section place a liability upon the State additional to the existing liability of the State to provide relief for all persons located in unorganized territory. Be that as it may, I am of the opinion that the Department would have as much power to provide the basis for school lunches in unorganized territory as it would have in any city, town or plantation taken over by the Emergency Municipal Finance Board, were there no other provision of law under which the basis for school lunches might be provided.

Under the provisions of Sections 131 to 146, inclusive, of Chapter 19 of the Revised Statutes, provision is made for "schools in plantations and unorganized territory". Section 133 specifically provides school privileges for children between five and twenty-one in unorganized territory. This section also provides:

"Within the meaning of sections one hundred thirty-one to one hundred forty-six, unorganized territory shall include all territory not a part of any city, town, or plantation, and an unorganized unit shall be any unorganized township, gore, strip, tract, surplus, point, patent, peninsula, island, disorganized town or plantation or any other distinct and separate portion of unorganized state territory."

Section 137 of this chapter sets forth for what the annual appropriation for the schools in question may be expended. After stating that the State Commissioner of Education is authorized to expend this money for certain specified items, he is further authorized to expend money for "any other expenses he may deem necessary".

I am, therefore, of the opinion that the Commissioner of Education has the power to provide the basis for school lunches in unorganized territory.

LeRoy R. Folsom
Assistant Attorney General