

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

December 29, 1941

To Commissioner Earnest, Health and Welfare
Re: School Conveyance of Children of State Dependent Families

I have been over this matter quite carefully with Mr. Cowan. We are in agreement that while the terms of Chapter 115 of the Public Laws of 1937 are somewhat obscure, it was evidently the intention of the legislature to make this law general in its application. Nevertheless, it must be construed in the light of statutory provisions for relief in all cases.

Primarily, it is the function of the local overseers of the poor to furnish relief, whether it be in settled or unsettled cases, and it is the function of the state to reimburse the city, town or plantation involved for relief furnished in state pauper cases, unless it should elect to furnish direct relief.

It is therefore within the power of the local overseers of the poor, subject to other provisions of law, to move a family from one location to another in the same municipality for the purpose of relieving an extra expense of transportation of children of school age in the families involved.

There can be no question of the responsibility of the State itself to relocate a family for the same purpose, when such family has been moved from one town to another by state authorities.

In all other cases it would seem it would be proper procedure for the municipality to notify the state authorities that a family is living in such a location that an extra expense would be incurred by the municipality for transportation of the children of that family to school. In the first instance, it would then be within the right of the State to instruct the municipal authorities to so locate the family as to avoid that extra expense and it would be incumbent upon the municipal authorities to provide a new location for the family involved. If, upon investigation, it should prove that it would be more favorable to the State, on account of increased cost of rent in the new location, to pay additional charges of transportation, the State could elect to do so.

LeRoy R. Folsom
Assistant Attorney General