

MAINE STATE LEGISLATURE

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September 30, 1942

Frank I. Cowan, Attorney General

Harry V. Gilson, Commissioner of Education

I have your letter of September 10th containing the following question: Can nursery schools be maintained as a part of the public school system?

Under the present school law they cannot. However, under the Welfare laws of the State, such nursery schools can be maintained by the Welfare Division of the Department of Health and Welfare.

The matter of maintaining nursery schools may very well come within the provisions of Section 1 of Chapter 305, Public Laws of 1941 (the Civilian Defense Act) which says "the governor is hereby empowered and directed to provide for the security, health and welfare of the people of the State." In making such provision, Section 5 of the said Act provides "the governor, with the advice and consent of the council, may re-direct the activities of any department or agency of the State for the purposes of carrying out any of the provisions of this act."

When and if it shall be determined that nursery schools are needed to help provide for the security, health and welfare of the people of the State, they can be set up by the Welfare Division and their control be re-directed into the Department of Education, or the Department of Education can be directed by the Governor to set up such schools without the interference of the Welfare Division.

Attorney General

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