

# MAINE STATE LEGISLATURE

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STATE OF MAINE

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REPORT

OF THE

ATTORNEY GENERAL

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for the calendar years

1941--1942

June 4, 1943

To:  
Harry V. Gilson, Commissioner

Education

From:  
Frank I. Cowan

Attorney General

*State's Obligation for the Education of Children on Government  
Reservations in Defense Areas*

Under date of April 23, 1942, I prepared an opinion in regard to voting rights of workers in the Navy Yard at Kittery, Maine, who live in the Federally owned houses at Kittery Village. This opinion contains a discussion of the rights of such persons and will, I believe, assist you in arriving at the proper answer to your query on the matter of education of children.

Your memo of June 2nd asked in regard to the State's responsibility for the schooling of children residing on Federal Reservations "in or adjacent to defense projects; also the responsibility of towns and cities within whose limits Government reservations are located."

As you will see from reading the opinion in regard to the voting rights of such persons, there is, in my opinion, no distinction to be drawn between a person who lives in a house owned by a private individual and one who lives in a house owned by the Federal Government. The mere fact that the Government is a landlord cannot affect the status of the tenant nor the responsibility of the community and the State toward him. The municipality has the same duty to educate the child of the man who lives as a tenant of the Federal Government within the community that it has to educate the child of a man who lives as a tenant of a private individual within the community.

It is true that where there has been a great influx of new families, the municipality is going to be terribly embarrassed. That result necessarily follows, because the tremendous increase in expense for education and sanitation cannot be approached by any increase in taxes, unless the tax rate is increased beyond all reason. To offset the hardship to communities, the Federal Government, recognizing its duty to subdivisions of the States, has provided for payments to the municipalities *in lieu of taxes*, and has, I believe, in general taken a liberal view toward the necessity of the municipality. The amounts that have been advanced, I am informed, have, in general, been sufficient to take care of the tremendous increase in cost of schooling, policing, fire protection, street maintenance, sewage disposal, etc.

I have purposely refrained from any mention of what the State can do under the present laws to assist a municipality which is in distress by reason of delay on the part of the Federal Government in making advances in lieu of taxes. I prefer that that question shall not be brought up at the present time, unless it seems very necessary. We have our laws in regard to the handling of distressed municipalities by the Emergency Municipal Finance Board, but that law contemplates actual continued inability to take care of obligations.

FRANK I. COWAN

Attorney General