

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1945-1946**

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ary school which offers less than 2 approved occupational courses of study, and whose qualifications for such training are approved by the superintending school committee of the town, may elect to attend some other approved secondary school to which he may gain admission for the purpose of studying an occupational course not offered or contracted for by the town of his legal residence."

After giving these sections some study I am of the opinion that it was the intent of the legislature to equalize opportunities for education in occupational training. If the Commissioner of Education deems it expedient in this particular case—that of South Berwick sending certain pupils mentioned in a petition to him dated October 8, 1945, to Dover, N. H., which the petitioners state is only 4 miles away, instead of to Traip Academy, Kittery, which is 15 miles away—I am of the opinion that he would be justified in authorizing the Town of South Berwick to send these pupils to the Dover High School under the provisions of Section 99 of Chapter 37, R. S. 1944, and Chapter 270, P. L. 1945. This opinion is a little different from what I had in mind when I talked with the Deputy Commissioner last June before this amendment of 1945 became effective. In fact, I could not at that time give these statutes sufficient study and did not render a written opinion. I believe that the State Department of Education should reimburse the Town of South Berwick for tuition payments to the City of Dover, N. H.

RALPH W. FARRIS  
Attorney General

October 18, 1945

To William O. Bailey, Deputy Commissioner, Planning and Research,  
Education Department

I have your memo of October 15th stating that one of the towns in Maine has a high school offering manual training and that the manual training shop is located in another school building, five minutes' walk from the high school; that pupils usually walk for the manual training period, but that on occasion they ride to the manual training shop in the private cars which they have used for their own transportation to school and take with them a carful of classmates.

Your question is: "If an accident were to occur on one of these trips, and the children were injured during school hours, could the town or school officials be in any way held responsible?"

My answer to this question is, No. The town does not provide the transportation which these children voluntarily assume for themselves, and the insurance company that covers the cars would be liable if any injuries were occasioned by accident to the passengers in said cars. The parents of the children could sue the owner of the car to get at the insurance company, in case the car was operated negligently and the children were free from contributory negligence.

RALPH W. FARRIS  
Attorney General