

# 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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Security Board has no power to amend our statutes by writing in the words "or delay" where same were not placed there by the legislature.

I would suggest to the applicant that he base his reason for appeal, 1) he was denied assistance; 2) he was not satisfied with the amount of assistance; 3) he is aggrieved by a decision of the department.

RALPH W. FARRIS  
Attorney General

July 17, 1946

To H. H. Harris, Acting Controller

I have your memo of July 15, asking whether, under the provisions of Chapter 79, P. & S. Laws 1941, where authority is given to the Treasurer of State under the direction of the Governor and Council to issue bonds not exceeding \$2,000,000 to be used for the purposes stated in that chapter, this authority still holds for the year 1945-46. In answer to this I will say that it is the opinion of this office that the said special law was passed in 1941 under the emergency clause for military purposes, and the emergency for which this authority was created has ceased to exist and that the authority does not hold for the year 1945-46.

Your second question is whether or not under Chapter 104, P. & S. Laws 1941, Special Session Laws, 1942, where authority is given to the Treasurer of State with the approval of the Governor and Council to issue bonds up to \$1,000,000 to be used for the purposes stated in that chapter, such authority still exists for the year 1945-46. In answer to this second question I will say that it is the opinion of this office that the purposes for which this bond issue was authorized by the legislature have ceased to exist, as it was passed under emergency legislation and the emergency for which it was passed has ceased to exist and some of the bonds, as I understand it, have been issued and the money available under the act was impliedly to be expended in the fiscal years ending June 30, 1942 and June 30, 1943, and any unexpended balance should not lapse but be carried over to the same account to be used only for the purposes set forth in the act. It is my opinion that this authority does not hold for the year 1945-46.

RALPH W. FARRIS  
Attorney General

August 5, 1946

To Harry V. Gilson, Commissioner of Education

I have your memo of August 5th, stating that Kezar Falls Village, which includes parts of the towns of Parsonsfield and Porter, is located on the two sides of the Ossipee River and that both towns maintain schools within the village limits. You further state that the school committees of the two towns have formulated a plan for pooling their school building facilities so that each teacher would have pupils of one grade

under her instruction and the pupils would be assigned to the several buildings irrespective of their residence; and you inquire whether this can be done legally without a vote of approval from each town.

Section 84 of Chapter 37, R. S. 1944, provides:

“Children living remote from any public school in the town in which they reside may be allowed to attend the public schools, other than a high school. . . in an adjoining town, under such regulations and on such terms as the school committees of said towns agree upon, etc. . .”

It is my opinion that Section 84 does not apply to this situation in the towns of Parsonsfield and Porter, because the children in these towns are not living remote from any public school in the towns in which they reside.

There is another provision under Chapter 37 in Section 28 which reads:

“Adjoining towns, upon the written recommendation of the school committees of said towns, may by concurrent action maintain union schools for the benefit of parts of said towns or may establish such schools, and shall contribute to their support each in proportion, etc. . . Said schools shall be under the management of the school committee of the town in which their schoolhouses are located.”

It is my opinion that Section 28 does not apply to this situation in the towns of Parsonsfield and Porter and that the towns involved in this agreement should secure a vote of approval at town meetings ratifying the action of the school committees, on this agreement which they have entered into, attempting to bind the two towns of Parsonsfield and Porter and pooling their school building facilities.

RALPH W. FARRIS  
Attorney General

August 14, 1946

To J. Elliott Hale, Technical Secretary, Sanitary Water Board  
Re: Chapter 251, P. L. 1933

I have your memo of August 12th, asking whether or not Chapter 251 of the Public Laws of 1933, entitled, “AN ACT Enabling Cities and Towns to Take Advantage of Reconstruction Finance Corporation Loans for Construction of Sewerage Works,” is still in effect.

I have examined the new Revision of the Statutes and find that Chapter 251, P. L. 1933, was exempted from the repealing act passed by the legislature at the special session in September, 1944, called for the adoption of the 1944 Revision of the Statutes. Therefore, it is my opinion that this law is still in force and effect, and the cities and towns can use same for the formation of sewerage districts.

RALPH W. FARRIS  
Attorney General