

MAINE STATE LEGISLATURE

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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 the towns of their residence; and you inquire whether this can be done legally without a vote of approval from each town.

In answer to your question I will say that 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 of the Revised Statutes 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

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