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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

March 6, 1947

To E. E. Roderick, Deputy Commissioner of Education
Re: Limitation of the authority of the superintending school committee to let school property for interests outside educational activities

I have your memo of February 28th in regard to the authority of a school committee to lease school property for other than educational purposes.

It is my opinion that Subsection 1 of Section 50 of Chapter 37 applies only to the management of the schools for school purposes and does not include the right to lease to outside parties.

If the town should call a special town meeting and vote to give a group the right to use the school, which is the property of the taxpayers, I feel that it would nullify any ruling made by the superintending school committee.

RALPH W. FARRIS
Attorney General

March 6, 1947

To E. E. Roderick, Deputy Commissioner of Education
Re: Legal Disposal of a Sinking Fund Raised for a Specific Purpose

I have your memo of February 28th, stating that an inquiry has come to your office as to what legal disposition can be made of funds appropriated and deposited as a sinking fund for the erection of a new school building. You state that there is a movement on foot to utilize these funds for other school purposes and you ask whether it is legal for the town to divert these funds for other purposes.

Our Court has ruled in *Bullard v. Allen*, 124 Maine 261, that a town is free to act as it pleases within its legal scope; that it may take action in one direction today and in another direction tomorrow, provided it does not impair intervening rights.

The town, in my opinion, has a right to transfer these funds for other purposes, if it so votes at a legal town meeting. . .

RALPH W. FARRIS
Attorney General

March 11, 1947

To Harrison C. Greenleaf, Commissioner of Institutional Service

Receipt is acknowledged of your file bearing upon the case of a man who at one time was an inmate at Hebron and left against the advice of the attending physicians. While at the institution he was uncontrollable, violated all rules and regulations, went off without permission, got drunk, and committed other infractions which were not conducive to his own health or to the proper conduct of the sanatorium. This inmate is now seeking re-admission. Your inquiry is whether Section 134 of Chapter 22 is applicable to cases involving tuberculosis. This is the so-called quarantine statute which authorizes on complaint a trial justice or a judge of a municipal court to