

MAINE STATE LEGISLATURE

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March 6, 1947

yes

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 further state that there is a movement on foot to utilize these funds for other ~~kind~~ 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.

This is probably too late for your town meeting on March 3rd, but some of these town meetings have been postponed, and you may use this as you see fit.

Ralph W. Farris
Attorney General

RWF:c