

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

December 31, 1947

To Harland A. Ladd, Commissioner of Education
Re: Chapter 357, P. L. 1947

I have your memo of December 24th relating to the above chapter providing for the formation of community school districts, and note that the Town of Fort Kent and near-by towns are considering the formation of a community school district to provide for secondary school needs in the area and that people residing in Township 17, Range 5, W.E.L.S., would like to have the benefits of a community high school available for their children. They inquire if the State, acting through your department, could participate in the organization and operation of a community school district. You ask the following questions:

“(1) Is there any way that the State—as responsible for providing school privileges in unorganized townships—can participate in a community school district organized in towns adjacent to or near unorganized townships and providing secondary school opportunities which are available to pupils residing in Unorganized Territory?”

Answer. It is my opinion that the State cannot participate in a community school district under the provisions of Chapter 357, P. L. 1947. However, under the provisions of Section 92-I of said chapter, after organization, the community school committee shall have the powers and duties with respect to the community school conferred upon superintending school committees under the general statutes and those enumerated in Section 92-C of said chapter.

“(2) What, if any, legislative action would be necessary to permit state participation in a community school district?”

Answer. Section 92-H of said chapter provides that when community schools are established, they may be considered the official secondary schools of the participating towns, and all provisions of general law relating to public education shall apply to said schools. Any aid from your department should come through the general statutes relating to secondary schools, with the provisions of which you are familiar. They need not, therefore, be enumerated here.

RALPH W. FARRIS
Attorney General

January 16, 1948

To D. T. Malloy, Sea and Shore Fisheries
Re: Taking and Canning of Herring

I have your memo of January 15th stating that questions have arisen in connection with the taking and canning of herring during the period, December 1st to April 15th of the following year, under the provisions of Section 34, Chapter 34, R. S.; and you ask my opinion as to whether or not any herring less than 8 inches long may be taken in Maine waters for canning purposes during this period; also whether or not any herring less than 8 inches in length, regardless of where they have been taken and regardless of the name under which they are labeled, may be processed and canned during the same period.