

MAINE STATE LEGISLATURE

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STATE OF MAINE

R E P O R T

OF THE

ATTORNEY GENERAL

for the calendar years

1949 - 1950

Answer. There is no statute which prohibits the use of publicly-owned school buses to transport pupils, athletic teams, and teachers to athletic meets, etc., outside the town or city, if permission is given by the owners of the buses. The only question which might be involved is that of liability for injury to the pupils or others riding on buses so used. That is a matter which the municipality would have to take up with the insurance company, to see if the buses had proper insurance coverage when not used for school purposes.

“3. Is the use of school buses for the transportation of children of school age for swimming instruction or for scout activities, during the school year or during summer months, legal?”

Answer. My answer to Question 2 applies as an answer to Question 3.

“4. Would endorsement of such activities by the committee make use of the buses for these purposes conform with the statutory limitations?”

Answer. I did not know there were any statutory limitations for the use of buses, as buses are school buses only when used for the transportation of children to and from school, and the term includes all motor vehicles while used for the transportation of school children. This will be found in Section 9 of Chapter 37, R. S.

“5. Can the town, at its annual or at a special meeting, by vote authorize the use of these publicly-owned vehicles for purposes other than transportation to and from school?”

Answer. If the town owns buses or other motor vehicles which are used for the transportation of children to and from school, the inhabitants at an annual or special town meeting can authorize the municipal officers to use the buses for purposes other than the transportation of pupils to and from school; but the use to which the buses are to be put should be clearly stated in an article in the warrant calling the meeting.

“6. Would the answer to any of the above questions be changed in any way because state funds (equalization) were involved in the payment for the unit?”

Answer. Yes. It is my opinion that if State funds are involved in payment for a bus, in addition to authority from the town, the municipal officers should secure the permission of the Commissioner of Education for the use of these buses for purposes other than transportation of pupils to and from school.

RALPH W. FARRIS
Attorney General

August 10, 1949

To Marion E. Martin, Commissioner of Labor and Industry

I have your memo of August 1st, enclosing correspondence from Philip Schilling of the Wage and Hour Division of the U. S. Department of Labor and asking my advice on the matter. His letter relates to a notice which

was posted in the office of a canning company stating that the employees who refused to sign a petition to reduce taxation on the company would be cut in wages 5c per hour and 2c per case. Letters of complaint in this regard do not state what the town did at the meeting about abatement of taxes.

As you know, all taxes must be assessed equally on property according to the just value thereof, under our Constitution, and any abatement by the town would be illegal and would be contested by citizens of the town.

We have no statute in Maine which covers this particular peculiar situation.

RALPH W. FARRIS
Attorney General

August 10, 1949

To H. A. Ladd, Commissioner of Education
Re: School Property

I have your memo of August 5th, in which you state that during the legislative session you discussed with me the proper disposition of schools which have been officially closed on recommendation by the superintending school committee and vote of the town, but we agreed to postpone formal decision in deference to more pressing problems. The subject had come up in connection with an issue at Harpswell and with questions asked by Superintendent Frank E. Drisko of Union No. 29. You now ask the following questions:

"1. May a town suspend school in a particular building annually, thereby deferring formal closure?"

Answer. Yes.

"2. What are the rights of the town and of the heirs in the instance of a closed school which was built on land, the deed for which includes a reversion clause?"

Answer. The town and the heirs have no rights in the land, as all reversion clauses in deeds state, "When the land is no longer used for school purposes, it shall revert to the original grantor," or words to that effect. Suspending a school annually is not an abandonment of the school building or the school land within the meaning of the law.

"3. Can the town hold the property indefinitely by utilizing the building for storage and related purposes?"

Answer. The town cannot hold the building indefinitely when it has been abandoned by the school authorities for school purposes, if there is a reversion clause in the deed granting the land for school purposes. This is a case where the heirs have some rights to come in after the property has not been used for school purposes for a long period of time and the facts will warrant a general closing of the property for school purposes.