

# 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**

"2. Can the town or school committee legally rent that part of the building not used for storage, to any organization?"

*Answer.* If the school committee uses this building for storage for school purposes, as outlined in answering Question 1, it has no legal authority to rent any part of the building to any organization not engaged in educational or school work, as this would raise the question of whether or not the whole property was not subject to reversion, where part of it was used for other than school purposes.

"3. Can the town legally sell this building, which is set on a concrete foundation, with the understanding that it would be moved to another lot?"

*Answer.* It is my opinion that, on vote of the inhabitants on a proper article inserted in the warrant for town meeting, the town can sell this building if it desires to move it off the foundation.

My answer to Question 3 answers Question 4. Only the land reverts to the original owners under the provisions of the deed. This does not include the improvements. The schoolhouse itself belongs to the town. As long as the land continues to be used for school purposes, the land also will continue to belong to the town.

RALPH W. FARRIS  
Attorney General

November 25, 1949

To H. A. Ladd, Commissioner of Education  
Re: Normal School and Teacher College Trust Fund for Scholarships

Your memo of November 8th is at hand, relating to the provisions of Chapter 210 of the Resolves of 1949 creating a trust fund for scholarships to assist students in the normal schools and teachers' colleges of the State, and transferring \$50,000 from the unappropriated surplus to the general fund. This Resolve specifies that the annual expenditure shall not exceed \$25,000. You call my attention to that language of the Resolve which provides, in the last paragraph thereof, that the trust fund may be increased by sums donated by groups or individuals. Upon this statement of the language contained in the Resolve you ask if, in administering the provisions of Chapter 210 of said Resolves, year-end closing balances should lapse to the general fund or if they should become resources for the following year.

It is my opinion that in creating this trust fund the legislature intended that it may be increased by such sums as normal school alumni associations, student group activities, or individuals may wish to contribute to said fund for normal school students and did not intend that the appropriations from the general fund should lapse, as their intentions seemed to be to commingle the contributions of groups and individuals with the appropriation from the unappropriated surplus of the general fund. This should be a recurring item which can be supplemented by gifts from these groups named in the Resolve and by appropriations of future legislatures.

RALPH W. FARRIS  
Attorney General