

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

for the calendar years  
**1951 - 1954**

makes no statements that will constitute a waiver of the privilege that he claims.

ROGER A. PUTNAM  
Assistant Attorney General

January 24, 1952

To Harland A. Ladd, Commissioner of Education  
Re: School Bands

This opinion will affirm an oral opinion given by John S. S. Fessenden, Deputy Attorney General, to Fred L. Kenney, Director of Finance in your department, some weeks ago with respect to whether or not municipalities may appropriate money to subsidize school bands.

It was the opinion of the Deputy Attorney General that cities and towns may not authorize expenditures for the purpose of supporting school bands. This opinion was based on the fact that if the door were opened to permit towns to support school bands, then a precedent would be set for permitting municipal taxation for the purposes of supporting an endless number of activities which now are termed extra-curricular activities and not a definite part of basic education.

Chapter 80 of the Revised Statutes of 1944 spells out those powers granted to municipalities by the legislature, and the only section in that chapter which pertains to bands is Section 93, which states:

“Cities and towns may raise money for the maintenance or employment of a band of music for municipal purposes and public celebrations. The provisions of this section shall not be in force in any city or town unless approved by a majority vote of the qualified voters of such city or town at an annual election.”

We interpret this section that a town may authorize money to subsidize bands which are commonly used for municipal functions, and we do not believe that it authorizes a town to appropriate money to subsidize a school band.

As we stated at the beginning of this memo, the above is the content of the oral opinion expressed by Mr. Fessenden, which is now affirmed in all respects by this office.

JAMES G. FROST  
Assistant Attorney General

January 28, 1952

To Ermo H. Scott, Deputy Commissioner of Education  
Re: Equal Pay for Women Teachers

We have your memo of January 18, 1952, in which you ask certain questions relative to Chapter 308 of the Public Laws of 1951.

Chapter 308 reads as follows:

“In assigning salaries to teachers of public schools in the state, no dis-