

MAINE STATE LEGISLATURE

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April 6, 1954

To Ober Vaughan, Administrative Assistant to the Governor
Re: Transportation of School Children in Unorganized Territory
(Letter from X. to Governor Cross)

I have taken up the matter of Mr. X's complaints with Mr. Edward McMonagle, Superintendent of Schools in Unorganized Territory, and he has been most helpful in giving me background material relative to these allegations. We would refer immediately to a memorandum directed to Governor Cross from Commissioner Espy, dated December 6, 1953, relative to similar complaints by the same gentleman.

Relative to the first paragraph of his letter, in which he made some accusations about the moral character of the operator of the school bus, if, in fact, the accusations be true, the complaint should be taken up with the County Attorney. This is a matter for local criminal prosecution. More on this point later.

Relative to the second paragraph:- it appears that approximately four years ago the State undertook to drive up the side road and pick up Mr. X's children. They had a new bus at that time, and a new driver, and they decided in good faith to carry out this project. I am informed that the bus is now five years old, and you can see from the attached letter that a proper survey was made by disinterested parties and it was found that the road was generally impassable, and they have requested that the children walk to the paved road for a period of one week only. They are merely asking a citizen of this State to cooperate, and the same result will be had in regard to the children of other parents who live on the same side road. He cannot say that they are picking on him.

Now the law in unorganized territory, being the last sentence in Section 143 of Chapter 37, R. S. 1944, provides that transportation or board in full or in part may be paid for such pupils at the discretion of the Commissioner. This law vests a great amount of latitude in the Commissioner and his agents. There is no compulsion in this law that a school bus drive to each and every door and pick up the school children. There is no requirement that secondary school pupils in unorganized territory be carried to school. See Sections 144 and 146 of Chapter 37, R. S. 1944. At the last session an attempt was made to broaden these sections to allow transportation and payment for secondary school pupils (L.D. 1262), said bill being indefinitely postponed.

We understand that Mr. X's elder daughter attended high school and that she was allowed to ride on the school bus, as is the custom where no additional cost is incurred. We are also informed that the daughter caused a disturbance on the school bus and the driver had been directed that in such instance he was to inform the secondary school pupil that he would return that pupil that day, but thereafter he would not allow such pupil to ride until the matter had been taken up with the superintendent of schools. This undoubtedly caused some feeling and may well have led to the accusation against the driver's moral character.

It is interesting to note that the same accusation was made against a prior school bus driver; see memorandum referred to above, from Dr. Espy to Governor Cross.

These transportation problems are not always easily solved. They require a great deal of understanding on the part of both the administrator and the taxpayer. From what I can glean from the records, Mr. X. is entirely without understanding. He asserts that he has a constitutional right to have his children transported. Such an argument is rather novel and is unknown to me. Education is to be provided, but subject to such rules and regulations as the legislature defines and always conditioned upon the amount of money available for education and transportation.

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Assistant Attorney General

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