

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

for the calendar years  
**1951 - 1954**

December 14, 1954

To Scott K. Higgins, Director of Aeronautics  
Re: State-owned Cars

. . . You ask for an interpretation of Chapter 379 of the Public Laws of 1951. You state that your Commission interprets said Chapter 379 as follows:

“That the Governor and Council are authorized to approve the purchase of State-owned cars by such heads of departments or members of Commissions as the Governor and Council may from time to time designate, in addition to those departments specifically named in the statute.

“Also, the Commission feels that it was the intent of the legislature that the Governor and Council be authorized to approve the purchase of State-owned cars, thereby making it unnecessary for individual commissions or departments to request legislative authorization.”

It is our understanding that you are asking us if we concur with your interpretation, and our answer is in the affirmative.

The legislature has, by the enactment of the above mentioned chapter, specifically permitted a few departments to possess automobiles for the travel of employees without having first secured the approval of the Governor and Council. In addition to such named departments, the legislature has indicated its permission for other departments or commissions to have automobiles for travel in the discretion of the Governor and Council.

JAMES GLYNN FROST  
Deputy Attorney General

December 15, 1954

To Kenneth B. Burns, Business Manager, Institutional Service  
Re: Educational Payments, Northern Maine Sanatorium

This is in answer to your inquiry relating to a family from which three children were admitted to the Sanatorium as tubercular patients and received educational assistance under the physically handicapped program of the Department of Education. Under this law the State pays the additional cost up to certain maxima after the town has paid its per capita cost, the theory being that the town shall bear the cost which it normally would if the child attended the local school, the State to assist if necessary, so that such child will not go uneducated because of unfortunate circumstances.

The complicating factor here is the movement of the family from Fort Fairfield, where they had evidently resided for eight years, to Caribou. This movement, it appears from the facts at hand, took place approximately two weeks before the admittance of the children to the Sanatorium. The children never attended the public schools in Caribou. Fort Fairfield denies liability on the ground that the family had moved to Caribou. Caribou denies liability on the fact that the children never attended school there.

Questions of movement of domicile or residence, whichever term you use, are oftentimes complicated. We are indeed unfortunate in not being able to hold