

# MAINE STATE LEGISLATURE

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October 8, 1956

To: Samuel S. Silsby, Jr., Assistant Director of Legislative Research Committee

Re: School Milk

Your memorandum of September 17, 1956, is as follows:

"The Legislative Research Committee requests an opinion of the Office of the Attorney General relative to the price-fixing jurisdiction of the Maine Milk Commission, specifically with reference to school milk, so called, financed wholly or in part by federal funds."

The school lunch program is authorized by Chapter 41, Sections 219-222, R. S. 1954. Section 221 reads in part as follows:

"The superintending school committee of any town may establish, maintain, operate and expand a school-lunch program for the pupils in any school building under its jurisdiction, may make all contracts necessary to provide material, personnel and equipment necessary to carry out the provisions of the act, . . . ."

On April 26, 1956, in a memorandum to the Legislative Research Committee, we re-affirmed two previous opinions that the State was not subject to the milk control law. Following the same rule of law, and not considering the question of the source of funds, it is our opinion that the superintending school committee, in entering into a contract to provide milk for a school-lunch program, is excluded from the provisions of this law.

Frank F. Harding  
Attorney General

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151 A.L.R. 1034