

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1957 - 1958**

January 6, 1958

To Kermit Nickerson, Deputy Commissioner of Education

Re: Educational Television in Unorganized Territory

. . . You inquire if the Commissioner of Education is authorized under Section 164 of Chapter 41 of the Revised Statutes to expend \$1000 in order to obtain music instruction in the schools in the unorganized territories by a television program conducted weekly through a Bangor station.

Section 164 of Chapter 41 reads as follows:

“Such amounts as are necessary to carry out the provisions of sections 159, 160, 161, 164, 165, 177 and 183 shall be paid out of the unorganized territory school fund heretofore established. The commissioner is authorized to use this fund for any purpose in connection with the schooling of children in the unorganized territory of the state, including: salaries, board and traveling expenses of teachers and supervisors; conferences, training programs and professional improvement of teachers; fuel and janitor service; tuition, board and transportation of elementary and secondary school pupils; text and reference books, school apparatus and supplies; leases of rentals of lots or school buildings; minor repairs to school buildings or equipment; services, expenses and fees of agents, attendance officers and clerical assistance; office expenses; utility service; school medical and dental services; and any other expenses he may deem necessary to carry out the purposes of the above-mentioned sections.”

If the Commissioner of Education deems it necessary for the schooling of children in unorganized territory to provide such children with music instruction through a television program, then it is our opinion that expenditures can properly be made for that purpose from the unorganized territory school fund. The amount of money to be taken from the fund would, of course, be an administrative determination.

JAMES GLYNN FROST  
Deputy Attorney General

January 6, 1958

To Honorable Edmund S. Muskie, Governor of Maine

Re: Northeastern Resources Committee Agreement

. . . You requested the Attorney General to explore the possibility of rephrasing the agreement relative to the Northeastern Resources Council so as to eliminate the objections which resulted in the opinion of the Attorney General dated November 15, 1957, that the Governor of Maine had no authority to execute such agreement on behalf of the State of Maine.

You call to our attention the solution of a similar problem (Civil Defense Agreement with the Province of New Brunswick) by means of a memorandum of understanding, rather than by a binding agreement.

The memorandum of agreement referred to was a device, used with Federal approval, to achieve the desired end of arriving at an understanding with a neighboring Province of Canada, without the necessity of securing Congressional approval.