

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

November 12, 1958

To: Kermit Nickerson, Deputy Commissioner of Education

Subject: Residence of Louise Gerry

I have your request for an opinion regarding the residence for school purposes of the above-named party and the reasons for the request of your department.

Based on the facts supplied to me it appears that until December 15, 1957, the father was a resident of Benton. From that period until after school closed, he maintained a home at a trailer park in Winslow, Maine, with the exception of a two-month period when he was on a trip, during which time he arranged for his daughter to stay with a relative in Fairfield.

Section 44 of Chapter 41, Revised Statutes of 1954, as amended, defines residence for the purposes of Chapter 41 as

"... the administrative unit where the father maintains a home for his family."

It is my opinion that the father maintained a home in Winslow after leaving Benton, and the daughter would, therefore, be entitled to be educated in Winslow during the period in question. There seems to be a question of fact concerning when the father left Benton (November 17, 1957, or December 15, 1957), but in either case the residence for school purposes from the date of departure from Benton until the end of the school year was Winslow. It may be necessary to determine the exact date Mr. Gerry left Benton to determine state subsidy payments for the administrative units involved.

George A. Wathen
Assistant Attorney General

gaw/n