

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1959 - 1960

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budget purposes, this would in effect freeze every unit as of that date. The effect of this "freezing" would mean that any change in the make-up of an administrative unit would not be reflected in its share of subsidy until a new computation was made. This would affect the withdrawal and addition of a municipality to a School Administrative District or Community School District as well as the formation of such a district.

It is my opinion, in keeping with the declaration of policy and the intent of the Legislature that the Commissioner must apportion subsidies to such units as have been created or changed during the biennium, and make such additional computations as required.

GEORGE A. WATHEN
Assistant Attorney General

January 26, 1959

To: Kermit Nickerson, Deputy Commissioner of Education

Re: School Administrative Districts — Agency of the State

I have your request for an opinion concerning whether or not School Administrative Districts are agencies of the state for the purpose of receipt of monies from federal grants under Public Laws 815 and 874.

In my opinion a School Administrative District would qualify for grant for the same reason that a municipality qualified.

Section 236 of Chapter 41 of the Revised Statutes of 1954 defines an administrative unit "including all municipal or quasi-municipal corporations responsible for operating public schools".

Section 111-F defines a School Administrative District as a body politic and corporate. A School Administrative District is a quasi-municipal corporation set up for the limited purpose of providing education for the children of two or more municipalities. Therefore, it is an agency of the state and eligible for the federal grant under the terms specified in your memo. (Also see *Kelley v. Brunswick*, 134 Me. 414).

GEORGE A. WATHEN
Assistant Attorney General

February 9, 1959

To: Honorable Clinton A. Clauson, Governor of Maine

Re: Beach Erosion Survey

We are returning herewith the letter of Mayor Deschambeault dated January 12, 1959, and the attached copy of an application of the City of Biddeford to the Federal Government for a Beach Erosion Survey on certain portions of shores of the City of Biddeford, which papers were submitted to you for your approval under the provisions of Chapter 90-A, Section 8, Revised Statutes of 1954.

For convenience in considering this problem, we set out in its entirety said Section 8: —