

# 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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or national emergency and who is otherwise qualified to operate a motor vehicle in this state, shall receive a license without the requirement of the payment of any fee.”

Answer: There still exists a national emergency which has not been terminated.

Emergencies exist when the President of the United States so declares by proclamation, and such emergencies must be terminated by proclamation.

On December 16, 1950, 15 F.R. 9029 by proclamation #2914, a national emergency was declared by the President in view of the Korean events.

By proclamation #2974, April 28, 1952, the President terminated certain national emergencies, that of September 8, 1939 in connection with the enforcement of neutrality; and that of May 27, 1941, which proclaimed an unlimited national emergency, but expressly stated that the existence of the national emergency caused by the Korean events continued.

The emergency declared in proclamation #2914 has not been terminated.

JAMES GLYNN FROST  
Deputy Attorney General

June 8, 1959

To: Kermit S. Nickerson, Deputy Commissioner of Education

Re: Eligibility of City of Saco for National Defense Education Act Funds under Title III

Thornton Academy is actually not a public school within the strict meaning of the term, but it serves as a public school for the City of Saco on a contractual basis. It appears from your memorandum that a joint committee pursuant to Section 105, Chapter 41, Revised Statutes of 1954, operates the school, and the State gives financial aid under the foundation program.

It would, therefore, be my opinion that Thornton Academy should be considered a “public school” for these purposes by the Board of Education as long as the contract and control, as it now exists, remains in effect.

GEORGE A. WATHEN  
Assistant Attorney General

June 8, 1959

To: Kermit S. Nickerson, Deputy Commissioner of Education

Re: Summer School Tuition Charges

In reply to your request of May 27, 1959, for an opinion regarding summer school tuition I note that the fact situation is such that a private school is being operated during the summer. The propriety of use or rental of public school buildings by a private organization is a matter for municipal counsel. Fees may be charged to anyone attending a private school.