

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

For The Calendar Years

1963 - 1964

March 14, 1963

To: Honorable Ralph D. Brooks, Jr.
Senate Chambers
State House
Augusta, Maine

Re: Use of Municipally-Owned School Buses for Non-School Purpose

Dear Senator Brooks:

Facts:

A municipality furnishes its inhabitants with a non-school recreational program. Because the particular program is located some distance outside the municipality, there exists the problem of transportation. Such transportation would be entirely within the State.

Question:

Whether, legally, a municipally-owned school bus may be used for the purpose of transporting children from the town to the place where the recreational services are offered?

Answer:

Municipally-owned school buses may be used for a public, non-school purpose, providing such usage has the approval of the appropriate school officials, i. e., those persons charged with the custody and care of school property.

According to our law, all school property is in the custody of certain school officials, i. e., a superintending school committee; school directors. These school officials manage such property and care for such property. Section 54, chapter 41, Revised Statutes of 1954.

Extra school use of school buildings causing no interference with the use of the buildings for school purposes has been upheld; the same principles apply to the use of other school property.

No discussion is given herein relative to the expenses incurred through non-school use of town buses; i. e., gasoline, oil, depreciation, etc. Actually, moneys should be appropriated by the town to cover these "additional expenses." This matter of expense is purely one for the municipality to cover in its own way.

In conclusion, the use of school buses for non-school purposes may be authorized by the appropriate school officials where the use is a public use. In order that school officials protect themselves from criticism by townspeople arising from the grant of use of school property, such officials may request a fee for use plus additional insurance coverage provided by the user, if necessary.

Respectfully yours,

JOHN W. BENOIT

Assistant Attorney General