

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**

Yes
3
March 2, 1965

Kermit S. Nickerson, Deputy
Commissioner
John W. Benoit, Assistant

Education
Attorney General

Transportation of pupils; Review of Opinion Dated December 14, 1964.

Supplemental Statement Re December 14, 1964 Opinion

In a formal opinion dated December 14, 1964, this office declared that a superintending school committee of town A, which had contracted with the superintending school committee of town B so that the former town was educating the pupils of the latter town, could also contract with town B concerning the conveyance of town B's public school pupils to town A's schools. In the reference opinion we declined to render a formal opinion regarding the further use which was made of town A's school buses, i.e., the transportation of certain of town B's private school children to a private school in town A.

You have requested that we review the reference opinion. You indicate that you are concerned with the fact that town A's buses are going beyond "the town limits to provide conveyance for hire to another municipality." We know of no statutory provision confining the use of school buses to the town limits. Under the given facts, town B does not possess the necessary buses required to transport its students to town A and has contracted with town A for the plural purposes of acquiring both an education for its youngsters and for the conveyance of these children to the place where the classes are held. In effect, town B's superintending school committee is providing conveyance through the contract procedure. You also indicate concern relative to the fact that the use of town A's buses beyond its town limits might in some way conflict with public transportation regulations. The given facts do not indicate that town A's use of its buses constitutes a mode of public transportation.

You further express concern regarding town A's conveyance of town B's private school students to a private school in town A. You indicate that since town A's use of its buses involves a dual use, i.e., the conveyance of public school students and the conveyance of private school students, that, therefore, the expenditures are commingled, and the State cannot legally pay any subsidy for such private school transportation. The situation is no different than the plural instances of dual conveyance of both private and public school students in the City of Auburn. In such cases the State Board of Education has adopted a formula which, when applied, results in a state subsidy being paid on the cost of the conveying public school students only.

In conclusion, we are all mindful of the situations wherein towns make use of their school buses for the purpose of conveying members of the basketball team and members of the student body to basketball tournaments located outside the limits of the town; and of the situations where such teams and students are carried to other states on such buses for the purpose of taking part in an interstate tournament. Too, we are mindful of the situations where school buses are used to convey the members of the school band for concerts held outside the limits of the particular town. Surely, a town has as much right to use its buses to convey students residing in an adjacent municipality when the transporting town also holds a contract with such adjacent municipality regarding the education of these reference pupils.

John W. Benoit
Assistant Attorney General

JWB/eh