

# MAINE STATE LEGISLATURE

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December 16, 1968

Keith L. Crockett, Asst. Comm. of Ed.  
Division of Field Services

Education

John N. Kelly, Asst. Atty, General

Attorney General

**School Bus Seating Requirements**

**SYLLABUS:**

Buses certified by the Public Utilities Commission and used for the transportation of school children to and from school are not "school buses" under 29 M.R.S.A. §2011. However, all buses used to transport school children to and from school, whether or not they are certified by the Public Utilities Commission, must provide a minimum of one linear foot of seating space for each child under 29 M.R.S.A. §2011.

Responsibility for compliance with 29 M.R.S.A. §2011 requiring one linear foot of seating space for each school child rests with the municipality and with the person or corporation providing such transportation.

There is no statutory provision prohibiting buses certified by the Public Utilities Commission and used for transporting school children to and from school from displaying school bus markings under 29 M.R.S.A. §2011.

**FACTS:**

Certain buses employed for the transportation of school children to and from school and licensed by the Public Utilities Commission have allegedly not complied with the requirements under 29 M.R.S.A. §2011 that one linear foot of seating space for each child be provided.

This Office received a request from Keith L. Crockett, Assistant Commissioner of Education, for an opinion as to whether the requirements of 29 M.R.S.A. §2011 apply to the said buses.

**QUESTIONS:**

1. Does the requirement in 29 M.R.S.A. §2011, that a conveyance used to transport children to and from school must provide at least one linear foot of seating space for each child transported, apply to buses operated by a motor carrier having a certificate of public convenience and necessity issued by the Public Utilities Commission under Title 35 when such buses are used to transport school children?

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2. Do the requirements of Title 20 M.R.S.A. §3561 place the responsibility on the school committee to provide adequate seating space for school children transported to and from school?

3. Are buses certified by the Public Utilities Commission under Title 35 that are used to transport school children to and from school prohibited from carrying the visible markings of a school bus and using flashing lights described in Title 29 M.R.S.A. §2011?

ANSWERS:

1. Yes.

2. Insufficient facts to answer.

3. No.

REASONS:

Question #1. Title 29 M.R.S.A. §2011 outlines the requirements for markings on school busses and other requirements for school buses. In the first paragraph of that section the term "school bus" is defined. However, the last sentence of the first paragraph states as follows:

"Buses operated by a motor carrier having a certificate of public convenience and necessity issued by the Public Utilities Commission under Title 35, Sections 1501 to 1518, which comply with the requirements of the Commission shall not be regarded as 'school buses'."

Paragraph three of §2011 states as follows:

"No municipality and no person or corporation employed by a municipality to convey children to and from school may use a conveyance which provides less than one linear foot of seating space for each such child."

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The above sentence requiring one linear foot of seating space for each child transported does not limit the requirement to "school buses." Therefore, the requirement applies to any conveyance used to transport school children to and from school whether the conveyance qualifies as a "school bus" under the first paragraph of §2011 or whether it is a conveyance certified under the Public Utilities Commission under Title 35 referred to in the last sentence of the first paragraph of §2011. Therefore, all vehicles used to transport school children to and from school must comply with the requirement that one linear foot of seating space be provided for each school child transported.

Question #2: Insufficient facts are stated in the requesting memorandum to determine who would have the final responsibility for policing the one linear foot seating requirement.

Question #3: No provision is made in the applicable sections of Title 29 M.R.S.A. Chapter 11 prohibiting buses certified by the Public Utilities Commission and used for the transportation of school children to and from school from displaying school bus markings designated under 29 M.R.S.A. §2011.

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