

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT  
OF THE  
**ATTORNEY GENERAL**

For the Years  
1967 through 1972

February 7, 1972  
Maine State Police

Lt. Col. Kenneth Wood

Whether buses used by nursery and other pre-school institutions are to be considered "school buses" under Maine law.

*SYLLABUS:*

Motor vehicles having a carrying capacity of 10 or more passengers and used to convey children to pre-school institutions, both public or private, are school buses and are subject to all safety regulations.

*FACTS:*

Several inquiries have been addressed to this Office concerning the use of buses by private pre-school institutions. Although some of these schools have been maintaining some minimum safety precautions in transporting children, other schools have not taken even the simplest steps to insure the safety of the young children they transport. The buses concerned are normally of the "mini-bus" variety, designed to carry about 12 passengers.

*QUESTION:*

Does the use of buses by nursery and other pre-school institutions cause those vehicles to be classified as school buses under Maine law?

*ANSWER:*

Yes.

*EXPLANATION:*

"School bus" is defined in 29 M.R.S.A. § 2011 in the following way:

"§ 2011. School buses; markings, stop at railroad tracks.

The term "school bus" includes every motor vehicle with a carrying capacity of 10 or more passengers, owned by a public or governmental agency or private school and operated for the transportation of children to or from school, or to or from any school activities at a school regularly attended by such children, or privately owned and operated for compensation for the transportation of children to or from school or to or from any school activities at a school regularly attended by such children, or to and from any municipally sponsored, nonschool activity within the State for which use of a bus has been approved by the superintending school committee, community school committees or board of directors; school as used in this sentence shall mean either a private or public school."

We believe that the clear meaning of § 2011 would be that buses used to transport children back and forth from school must comply with the school bus safety regulations denominated under that Title. Obviously, all nursery and pre-school institutions that use

buses to transport their pupils to and from school are involved in “the transportation of children.” § 2011 and the other sections concerned with school buses are designed to insure the safety of children while being carried to and from school. The prohibition against passing a loading or unloading school bus, the requirement of a special color for school buses with flashing lights and signs, and all other safety regulations all indicate a state interest in children’s safety when they are being transported to school. Although this concern and the use of school buses is most commonly associated with elementary and high schools, transporting children to pre-school institutions is just as great, if not greater in importance to the state because of the young age of pre-school children. It would be inconsistent with a state policy reflected in this statute to afford protection to elementary and high school students, and not to protect the younger, more vulnerable children who attend nursery schools.

The statute’s breadth of application is also indicated by the fact that it is to cover both private and public schools. Thus a pre-school institution, whether privately run or government-sponsored, would be covered by the school bus safety regulations.

On the basis of the above, all pre-school institutions involved in transporting children to and from their institutions when using a motor vehicle with a capacity of 10 or more must comply with the safety regulations of Title 29, § 2011 et seq.

JOHN R. ATWOOD  
Assistant Attorney General

February 15, 1972  
Aeronautics

Linwood Wright, Director

Licensing; Air-Taxi Service

*SYLLABUS:*

1. Aircraft used by a Maine air-taxi operation in interstate commerce are exempt from the registration provisions in 6 M.R.S.A. § 14.

2. Funds which the Legislature allocated for us in land acquisition, clearing of runway approach areas and construction of runway extensions, cannot be legally used for rehabilitation (repairs) of existing portions of runways.

*FACTS:*

*Situation No. 1:* An air-taxi service is provided between Rockland, Maine and Boston, Massachusetts. The service is provided in aircraft leased from an out-of-state firm by the Maine firm.

*Situation No. 2:* The provisions of P & S Laws 1967, c. 178 authorized a general fund bond issue for construction, extension and improvements for airports. Moneys were allocated for the Auburn-Lewiston airport to: “Acquire land, clear approaches, extend runway 17-35” and for installation of a localizer. *Id.*, section 6. Repairs are deemed necessary respecting present portions of runway 17-35.

*QUESTIONS:*

1. Is the air-taxi operator required to register the aircraft in situation No. 1?