

MAINE STATE LEGISLATURE

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March 14, 1924

To State Commissioner of Education
Re: Amount of Tuition

Your department has asked this office if there is any restriction, and if so what, upon the amount which a town shall pay another town or academy for tuition for its scholars attending such school or academy in such town, and in reply you are advised that my understanding of the law is that a pupil who resides with a parent or guardian in any town which does not support and maintain a standard secondary school may attend any approved secondary school to which he may gain entrance from those in charge thereof, provided the courses in said school are approved by the Commissioner of Education, and that in such case the tuition of said pupil shall be paid by the town in which he resides as aforesaid.

Thus far there is no limit upon the amount which the town shall pay and it is further provided by the school law that towns which do not maintain a free high school of standard grade may contract for the schooling of pupils of that grade with an adjoining town.

There does not seem to be any limit so far which the town may pay for pupils attending school under such contract. Section 5 of Chapter 173, Public Laws of 1921, as amended by Chapter 175, Public Laws of 1923, establishes a limit which the State may pay as its reimbursement to the town paying tuition to schools or academies outside their town, and said section provides that the Commissioner of Education shall apportion to such town a sum equal to two-thirds of the amount thus paid by such town not to exceed \$40.00 for any one pupil or \$600.00 for any one town.

This, it seems to me, is merely a limitation upon the amount which the State can pay and was not intended to fix the maximum which the town shall pay, because a proviso to said section states that tuition for such pupils is to be paid by towns to an amount not exceeding the average cost per pupil for the year preceding that for which the tuition is paid in the school attended by such pupils, but such payment by any town shall not exceed \$100.00 for any one year. This proviso clearly limits, but does not fix, the amount which the town may pay.

To hold, as has been suggested, that the limit which a town is obliged to pay per pupil is \$60.00 because the amount which the State can contribute is two-thirds of that or \$40.00 is, it seems to me, an improper construction of the law. It might as well be contended that because the State's contribution is limited to \$600.00 for any one town, such town should be limited to \$900.00 as the total amount of tuition paid to any outside school or schools, and no one, I believe, would claim that,

The law fixes no limit when a contract is made between the town and the school or academy, but it is, of course, subject to the

limitation of \$100.00 in Section 5. In case no contract is made by the town, it seems clear that a pupil who has complied with the conditions may attend a high school or academy where the tuition is more than \$60.00, in fact up to \$100.00, and the town be obliged to pay such tuition. In other words, the limitation upon the State of two-thirds of the amount paid with a maximum of \$40.00 applies to the State only and does not control the town as to the amount which it may or must pay.

William H. Fisher
Deputy Attorney General