

MAINE STATE LEGISLATURE

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September 25, 1929

To Bertram E. Packard, Commissioner of Education
Re: Academy Aid

You inquire whether Calais Academy is entitled to the per capita allowance under R. S. Chapter 16, Section 98, as amended by P. L. 1929, Chapter 318.

I think it is.

Excluded from the per capita allowance are academies "Not recognized for State Aid in 1928". In 1928 Calais Academy received no special appropriation but was included in the academies receiving money under Chapter 16, Section 98, Page 1. Calais Academy, therefore, in 1928 was receiving State Aid through an Act of the Legislature and, therefore, was "recognized for State Aid", although not specifically mentioned in any appropriation act.

To be sure, the legislative appropriation is probably insufficient to pay the Calais Academy its allowance, as Calais Academy was not included in the list of schools computed for the Legislative Committee as a basis for the appropriation. This point, however, is of little, if any, legal effect. Calais Academy was not explicitly excluded and there is nothing to indicate but that the omission was an error. Certainly, the omission in these figures cannot stand as against the express wording of the statute, which brings Calais Academy within the per capita appropriation.

Clement F. Robinson
Attorney General

CFR EH