

MAINE STATE LEGISLATURE

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January 24, 1942

Hon. Harry V. Gilson
Commissioner of Education
State House
Augusta, Maine

Dear Sir:

I have your memorandum of January 22nd, in regard to the problem of tuition of pupils in Palmyra. I have examined the opinion given by Judge Fogg, and have rechecked the law.

This Palmyra tuition question has been in the office of the department of Education and in the office of the Attorney General more times than any other one problem I know of. The opinion I am giving you now must be accepted by your department as the final word from this department. If the people of Palmyra are dissatisfied they have recourse either to the Courts or to the Legislature.

Judge Fogg's opinion of December 17, 1941 is a correct statement of the law. In my opinion, R. S. Chapter 19, Section 93, governs this case and, in spite of the vote of the town, if a student of Palmyra sees fit to enter "an approved secondary school to which he may gain entrance or permission of those having charge thereof whose courses are approved by the state commissioner of education" the town is liable to that school for the tuition of the student in an amount not in excess of one hundred dollars annually.

It is not our business to make the law, but to administer what the Legislature, with the interpretation of the Courts, has given us and, having performed that function, we have done our whole duty. In fact, going farther than that would be such an act of impropriety that neither you nor I could justify it.

Very truly yours,

Frank I. Cowan
Attorney General

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