

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1945-1946

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November 5, 1946

To W. C. Philoon, Administrative Assistant, Executive Department

I have examined the various quitclaim deeds drafted by the Highway Commission for the Governor and Council to sign, conveying certain land heretofore acquired by the Commission for highway purposes.

The statute, Section 13 of Chapter 20, provides:

“The governor and council on recommendation of the commission may sell and convey on behalf of the state the interests of the state in property taken or acquired by purchase under this section and deemed no longer necessary for the purposes hereof. . .”

While a council order does not seem strictly essential, since the deeds are signed by the Governor and all the members of the Council or a majority thereof, nevertheless before they act, they should have a recommendation signed by either the Commission or the chairman thereof, that they deem the land no longer necessary for highway purposes and thus recommend its sale.

ABRAHAM BREITBARD
Deputy Attorney General

November 6, 1946

To H. V. Gilson, Commissioner of Education
Re. Fees Charged for Attending State-subsidized Evening Schools;

Sections 32, 35, and 166, Chapter 37, R. S. 1944.

I have your memo of October 31st, asking the following questions:

“Is it permissible for towns or cities which maintain evening schools through local taxation, and which towns are reimbursed from state funds, legally to require the payment of tuition or registration fees for attendance therein by citizens of the community?”

My answer to that question is in the negative, as Section 32 provides for the admission of persons over 16 years of age to evening schools under the direction and supervision of the superintending school committee.

Your next question is the same except “By citizens of other communities?”

My answer to that question is in the affirmative, to make a reasonable charge to citizens from other communities.

Your next question is: “If in your opinion such charges by the town are legal, is there any limitation on the extent or size of fee which a town may charge?”

Answer. This is a matter for the superintending school committee and the Commissioner of Education to work out. I do not feel that the town should realize any financial profit from these tuition and registration fees charged.