

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

In view of the express provisions of Section 98 of Chapter 37 which limit the tuition payable to the receiving town maintaining the high school to a sum not exceeding \$125 annually for any one youth, and the provision in this section that . . . "Towns shall raise annually, as other school moneys are raised, a sum sufficient to pay such tuition charges. . ." I entertain serious doubt that these towns may lawfully enter into a contract with the Town of Brunswick to pay sums other than are expressly authorized by this section, particularly in view of the fact that the only authority to raise money for this purpose is limited to ". . . a sum sufficient to pay such tuition charges."

With regard to the second question contained in your memo, whether the legislature could by specific legislation authorize these towns to enter into such an agreement, I would say that the legislature possesses the power to enact such legislation, providing the obligations of the town do not exceed its debt limit.

ABRAHAM BREITBARD
Deputy Attorney General

January 22, 1947

To Harrison C. Greenleaf, Commissioner of Institutional Service

I received your memo of January 21st concerning the provisions of Section 6 of Chapter 133, R. S. 1944, which provides that municipal courts may commit children to the Pownal State School.

I call your attention to the fact that this statute was amended by Chapter 63 of the Public Laws of 1945, which struck out the words, "12 years or under" in regard to a mentally defective child and substituted the words, "not greater than $\frac{1}{4}$ of subject's life age nor under 3 years." However, this does not affect the status of your question.

You ask the advice of this office as to whether or not your department has the right to collect from the patient or his relatives for care and board received from the Pownal State School or the State Hospitals, when the person is committed by a court, with particular reference to Section 6 of Chapter 133 as amended.

In this connection I call your attention to Section 153 of Chapter 23, R. S. 1944, which in my opinion would apply to persons who are committed by the court under the provisions of Section 6, Chapter 133, and all persons who are committed to the above named State institutions where they have parents, kinsmen or a guardian bound by law to support such persons; but this is subject to the determination of the department, with the exception of those persons accused of crime who are placed for observation by order of the court on a petition that they will plead not guilty by reason of insanity, because in those cases the crime is against the State, and the State takes charge of the person accused of the crime and the patient is subject to order of court. If he should eventually be found not guilty by reason of insanity and be committed to the hospital for the criminal insane, you would not be able to recover expenses for his or her support in said State hospital for the criminal insane.

RALPH W. FARRIS
Attorney General