

MAINE STATE LEGISLATURE

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November 27, 1957

NW

To: Kermit S. Nickerson, Deputy Commissioner of Education
Re: Brunswick, Topsham, Harpswell
Resident Pupils

This is in response to your memorandum of November 19, 1957, in which you present the following problem--whether or not the pupils from Topsham and Harpswell now attending the secondary school in the Town of Brunswick may be counted as resident pupils in the Brunswick High School under the provisions of Section 1 of Chapter 364 of the Public Laws of 1957, which adds a section referred to as Section 237-H.

The particular sentence in question reads as follows:

"Said apportionment shall apply similarly to payments made on contracts awarded subsequent to the effective date of this action in single municipality administrative units where the April 1st enrollment of resident pupils in grades 9 through 12 is over 700 pupils"

The statute appears to be clear. Resident pupil means just what it says. It means a youth or scholar attending the school who also has his residence in the single municipality administrative unit.

In this instance the proposed single municipality administrative unit would be the Town of Brunswick. Pupils from Topsham and Harpswell are not resident pupils within the meaning of this term.

It appears that the Legislature intended that tuition pupils, so-called, shall not be counted in determining eligibility under this section. In this particular instance our opinion is further buttressed by the fact that by the provisions of Chapter 102 of the Private and Special Laws of 1949, as amended by Chapter 74 of the Private and Special Laws of 1951, the towns of Topsham and Harpswell are referred to as tuition towns by the Legislature and the pupils from each of these two towns are called tuition pupils.

Roger A. Putnam
Assistant Attorney General

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