

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1959 - 1960

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May 5, 1959

To: Kermit S. Nickerson, Deputy Commissioner of Education

Re: Summer Schools

You have requested an opinion concerning whether it would be legal for a superintending school committee to charge tuition for summer school.

It is my opinion that it would not be proper to charge tuition to students attending a public school during the summer, based on the provisions of our present law. Public funds would be used to pay the teachers and administrative personnel. School buildings would be utilized, and section 121-A of Chapter 41 states that the cost of inspection by the Board of Education shall be paid from the state appropriation for the support of public schools.

You have requested an opinion regarding a hypothetical situation, and, therefore, we have no facts to which the law can be applied. I have necessarily been forced to make assumptions which may not be the facts. Therefore, we must conclude that based on our understanding of the summer school program, we feel that it would not be proper to require tuition from those attending. Public funds cannot be used for private purposes.

GEORGE A. WATHEN
Assistant Attorney General

May 11, 1959

To: Roland H. Cobb, Commissioner of Inland Fisheries & Game

Re: Contract between Inland Fisheries & Game Department and Pembroke

I have your request for an opinion regarding the legality of the so-called contract which you have forwarded.

Section 57, Chapter 37, authorizes the Commissioner to grant permits to take alewives for market under such rules and regulations as he may establish, but prohibits the granting of exclusive territory permits.

Chapter 49, Private & Special Laws of 1957 gives the Town of Pembroke exclusive rights for taking of alewives in the town and further authorizes the town to operate the fishing itself or sell the privilege through the selectmen or a committee appointed for that purpose.

Therefore in Pembroke the taking of alewives is exclusively in the hands of the town.

Section 13 of Chapter 37 provides for construction and repair of fishways by the owners or occupants of a dam. There is no information regarding the owner or occupant of the dam, but I understand the fishway was put in by your department.

Section 12, V, E, Chapter 90-A, provides that a municipality may appropriate money for propagating and protecting fish in public waters, limiting this to a \$500.00 appropriation annually to be spent by the municipal officers or a person appointed by them, who shall report to the legislative body annually.