

MAINE STATE LEGISLATURE

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November 3, 1959

Hon. Clinton A. Clauson, Governor

Executive

Frank E. Hancock, Attorney General

Attorney General

Re: Transportation of Students to Private Schools

We have your request regarding proposed legislation to allow the administrative units responsible for operating schools to appropriate funds for the transportation of students to private schools.

It is necessary to keep in mind the decision in Squires v. Augusta 155 Me. 151 when considering this problem. We have reviewed the various charters and certificates of organization of a list of private schools and academies given to us by the Department of Education. From the survey it appears that these schools are non profit in nature.

The real issue involved in this matter is the subsidies payable by the State to the several administrative units. Legislation is necessary to authorize the several administrative units to appropriate funds for the transportation of children to private non profit schools. A question which could be raised regarding subsidy under such legislation is:

What private schools or academies to which children are conveyed are operated for profit?

The answer to this question will have to be on an individual basis, but it has been answered in general heretofore.

In view of the fact that we have school administrative districts responsible for education, as well as towns and cities, it might be well to use the words "administrative unit" when drafting the legislation. An administrative unit is defined in section 28 and section 236, Chapter 41, as including all municipal or quasi-municipal corporations responsible for operating public schools. Also, any legislation should provide that an appropriation for transportation to a private non profit school could be accomplished with existing machinery for approving school operating budgets.

Respectfully submitted:

Frank E. Hancock
Attorney General

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