

MAINE STATE LEGISLATURE

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November 1, 1960

Philip A. Annas, Executive Director

Division of Instruction
Education

George A. Wathen, Assistant

Attorney General

Board Payments to Parents

I have your request for an opinion regarding payment of board to parents of elementary students. Pursuant to Section 160, Chapter 41, Revised Statutes of 1954, elementary school privileges in unorganized territories may be provided by maintaining schools in unorganized territories or by sending the children from unorganized territories to schools elsewhere in the state. The commissioner in his discretion may pay transportation or board in full or in part. This section applies only to persons residing in unorganized territories.

Residence, as applied to school privileges, is defined in Section 44, Chapter 41, as the administrative unit where the father maintains a home for his family or if the parents are separated, the administrative unit where the person having custody of the child maintains his or her home.

In the case of a father maintaining a home in one place and working or conducting a business in another place, residence for school purposes would be where the home is maintained.

Applied to the fact situation presented in your memo of October 5, 1960, and the supporting documents, I am of the opinion that the state is not responsible for the board of the children residing with the mother in Thonaston, even though the father works on an island. The father maintains a home in an administrative unit which has a school system and the father is entitled to send his children to those schools. (Section 44, Chapter 41)

George A. Wathen
Assistant Attorney General

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cc: Korrit Nicholson, Deputy Commissioner