

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

for the calender years

1961 - 1962

The person appointed by the Governor and confirmed by the Council will serve until January 1, 1965.

GEORGE C. WEST

Deputy Attorney General

August 7, 1962

William W. Dunn, Principal
Kents Hill Preparatory School
Kents Hill, Maine

Dear Sir:

In confirmation of our recent telephone conversations, I am writing to you to clarify the position of this office in relation to the additional fee charged to the parent of a student when the student is resident in a Town which does not maintain a secondary school gains admission to Kents Hill.

The first sentence of section 107, Revised Statutes, chapter 41, provides as follows:

“Any youth whose parent or guardian maintains a home for his family in any administrative unit which does not support and maintain an approved secondary school may attend any approved secondary school to which he may gain entrance by permission of those having charge thereof.”

The next paragraph of section 107 reads as follows:

“In the case of any youth attending school, *under conditions as provided for in the preceding paragraph*, in schools in which the average daily membership, as reported in the preceding year, is 100 or more students, and the school offers at least 2 occupational courses, the annual tuition shall not exceed (The legal tuition rate).” (Emphasis ours)

When an Academy accepts students from a Town which does not maintain a secondary school, then the Academy for the purposes of receiving tuition from the sending Town is deemed to be a public school and any additional charge to the parent of such a student in the form of tuition is in contravention of the statute.

Since the legal tuition rate is \$463.56 and the average cost per pupil at Kents Hill is \$717.56, I can well understand your position in this matter but the law appears to be clear on the subject.

Very truly yours,

RICHARD A. FOLEY

Assistant Attorney General

August 8, 1962

To: Steven D. Shaw, Administrative Assistant, Executive Department

Re: International cooperation

We have your request for an opinion with regard to the limitations imposed upon the Chief Executive of the State of Maine in his negotiations with the