

# MAINE STATE LEGISLATURE

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May 23, 1963

Kermit S. Nickerson, Deputy Commissioner

Education

John W. Benoit, Assistant

Attorney General

State Subsidy for Conveyance.

Your memorandum dated May 10, 1963 is hereby acknowledged.

Your memorandum recognizes that on October 28, 1960 this office advised the Commissioner of Education and the State Board of Education that in determining the foundation program allowance of an administrative unit those expenditures representing the transportation of parochial students should not be taken into account. That when the transportation costs include both public and parochial school transportation, only those costs of public school transportation shall enter into the computation; and such cost shall be determined on a per capita basis. The Board, on the same date as first above written, voted "to approve the computation of state subsidy on transportation charges for public and parochial school pupils on a per capita basis in accordance with the recommendation from the Attorney General's Office."

You question the content of the report by the Auburn School Department submitted for the purpose of computing subsidy payments. The report separates the parochial transportation expense from the public school transportation expense on the basis of "extra mileage" rather than on a per capita basis. On a per pupil basis the cost of conveyance of non-public school pupils is figured at \$8,347 as compared to the reported \$2,550.41; and a difference in subsidy of \$1,633 results.

You attached the letter of the Superintendent of Schools addressed to you showing the amount of parochial transportation cost to be computed upon "estimated extra mileage." In instances where private school students reside on bus routes together with public school students, no cost of transportation is deemed to exist relative to such private school students based upon the reasoning that the bus travels along the route and accrues no "extra mileage."

Opinion:

The report is not in proper form nor does it contain the information which is required in order to compute subsidy. We see no reason to depart from the opinion mentioned above.

May 23, 1963

The argument advanced by Auburn is untenable. That position recognizes no private school transportation expense except for "extra mileage." Thus, assuming that a number of private school students resided between residences of public school students, the conclusion would necessarily be that no cost was attributable to such private school students. The result would be the transportation of private school students at public expense.

Auburn does recognize that there exists a transportation cost. Except for "extra mileage" the full cost is upon the public school students. Auburn's position works an exemption from cost for these private school students. Again, such exemption is at public expense.

Our conclusion must be that the Auburn report should conform to the Board's vote setting forth a subsidy computation basis.

Denouement:

I return the Superintendent's letter attached hereto.

John W. Benoit  
Assistant Attorney General

JWB/slf  
Enclosure