

# MAINE STATE LEGISLATURE

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no

September 24, 1963

Philip A. Annas, Exec. Dir.

Education

John W. Benoit, Assistant

Attorney General

Tuition due Bethel from the unorganized territory units of Mason and Albany.

Your memorandum of August 27, 1963, is acknowledged.

**FACTS:**

Both Mason and Albany are units located in unorganized territory of this State. The elementary school pupils of both Mason and Albany received their schooling at elementary schools in Bethel, Maine, for the year 1962-1963. c. 41, § 159, R. S. 1954.

The per pupil cost of elementary education in Bethel for the school year 1962-1963 was \$235.38; and for the school year 1961-1962 the cost was \$192.32.

The Bethel School Committee, following the closing of the 1962-1963 school year, voted to charge the State the 1962-1963 per pupil cost of \$235.38 for the school year 1962-1963 although the State expected to be billed on the basis of the per pupil costs for the 1961-1962 school year (\$192.32); and this expectation of the State was predicated upon the fact that over the years the State has been billed and has paid for such schooling based upon the cost per pupil for the school year preceding that covered by the bill.

The State has paid tuition to Bethel on the basis of 1961-1962 per pupil cost (\$192.32) and has requested of this office whether it is to pay the \$43.06 difference.

**QUESTION:**

Is the State obligated for tuition for the school year 1962-1963 at the rate of \$192.32 or at the rate of \$235.38?

**ANSWER:**

Unless the rate of tuition has been otherwise agreed upon, the State should pay the Town of Bethel at the 1962-1963 rate of \$235.38 for the 1962-1963 school year.

Philip A. Annas

-2-

September 24, 1963

**REASON:**

When elementary school students residing in unorganized territory of this State are sent to a public elementary school to receive an education, the State is to pay tuition moneys to the receiving school. Such tuition shall be paid "in accordance with the proportional cost per pupil of the school attended unless a rate of tuition is otherwise agreed upon." G. S. 41, § 160, R. S. 1954. The statute does not state that the tuition expense of the State for a particular year shall be the tuition expense computed for the preceding school year.

The statute allows for the making of an agreement upon the rate of tuition.

John W. Benoit  
Assistant Attorney General

JWB/slf