

# MAINE STATE LEGISLATURE

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79-186

RICHARD S. COHEN  
ATTORNEY GENERAL



STEPHEN L. DIAMOND  
JOHN S. GLEASON  
JOHN M. R. PATERSON  
ROBERT J. STOLT  
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

October 10, 1979

Dr. Elwood Padham  
Associate Commissioner  
Dept. of Educational &  
Cultural Services  
Augusta, Maine 04333

Re: Tuition Charges by Proposed Vocational Center at Ellsworth

Dear Doctor Padham:

This is in response to your question of September 18, 1979 as to whether Ellsworth will "have the authority to charge a tuition fee for each student attending the Center from the sending units within" the geographic boundaries of Region #5, Hancock County.

The Legislature has authorized vocational centers "to bill its member units for any legislatively approved reduction in vocational center subsidies in proportion to the number of students served on October 1 and April 1 of the school year immediately prior to the year of allocation." (20 M.R.S.A. §4848.5(B)(1)) It would appear at first glance that the only opportunity which a vocational center would have to bill the sending units would be in accordance with the provisions set forth in §4848.5(B)(1). However, the language quoted above does not establish an absolute prohibition against the charging of tuition in all other situations. Because there are exigent circumstances surrounding the possible conversion of Vocational Region #5 to a vocational center and because there is a two-year time lag between the funding for the programs at the vocational center and state reimbursement of that funding, it seems reasonable that the vocational center operated by Ellsworth should be able to charge a tuition fee for each student attending the center from the sending units.<sup>1</sup> Accordingly, the tuition expenditures made by the sending unit would be considered as part of that unit's state/local allocation for vocational education.

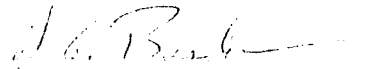
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<sup>1</sup>Such a conclusion seems consistent with the legislative intent of P. & S.L. 1979, c. 37 to create a workable mechanism for offering vocational education to the students of Vocational Region #5.

Dr. Elwood Padham  
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This opinion is limited solely to the unique situation found in the possible creation of a vocational center to be operated by Ellsworth. Therefore, if Ellsworth presents a plan to the state for approval which includes tuition charges to the sending units, then the State Board of Education would be authorized to approve such a plan. However, this opinion does not indicate that the tuition charges should be permanently in place for all future operations by the center, but merely to cover the immediate start up costs of this center over the next two, or possibly three, years.

Respectfully yours,



Waldemar G. Buschmann  
Assistant Attorney General

WGB:lm

cc: Commissioner Harold Reynolds, Jr.