

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 845

H.P. 596

House of Representatives, February 16, 2005

### **An Act Regarding Private Schools' Using Public Tuition Funds**

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative MOODY of Manchester.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 20-A MRSA §2908** is enacted to read:

6 **§2908. Receipt of public funds by elementary schools**

8 A private elementary school is presumed to be nonsectarian  
10 for the purpose of eligibility to receive public funds unless the  
12 department receives an opinion by the Attorney General that the  
14 private elementary school does not provide a nonsectarian  
16 education.

18 **Sec. 2. 20-A MRSA §2951, sub-§2,** as enacted by PL 1981, c.  
20 693, §§5 and 8, is amended to read:

22 **2. Nonsectarian.** Is a nonsectarian school in accordance  
24 with the First Amendment of the United States Constitution. A  
26 private secondary school is presumed to be nonsectarian unless  
28 the department receives an opinion from the Attorney General that  
the private school does not provide a nonsectarian education;

**SUMMARY**

This bill requires an opinion by the Attorney General that a private school does not provide a nonsectarian education before the Department of Education may deny the private school public funds for tuition purposes.