

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

NOVEMBER 30, 1914.

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1915

TEACHER'S PENSIONS.—SUPERINTENDENTS OF
SCHOOLS NOT EXCLUDED.

11th February, 1914.

*Hon. Payson Smith, State Superintendent of Schools, Augusta,
Maine.*

DEAR SIR: Yours of January 16th, relating to the interpretation of Chapter 75 of the Public Laws of 1913 relative to teacher's pensions was duly received.

In the matter to which you refer as I understand it, the applicant is qualified as a teacher by reason of length of service to receive a pension. The question being whether he is entitled to receive one while acting as a Superintendent of Schools, he having retired from active service as a teacher.

As I understand it in the legislative discussion of this law, it was concluded not to make it apply to superintendents and from the language of the act, it seems to me clear that it was not intended to apply to superintendents. The words "employed as a teacher" in the first section, which is one of the necessary qualifications of the pension, indicates that the act was intended to apply to any in the employ of the cities and towns as teachers in the ordinary acceptance of that word and no persons holding an office as superintendent of schools, though as such official he may be engaged in the general business of the instruction and education of the young.

It is my opinion, therefore, that the fact that an applicant having all the other qualifications required by the statute entitles him to a pension, namely, length of service and retirement from the service of teaching, is not disqualified to receive a pension under the present statute because he has accepted the office of superintendent of schools. I could conceive of conditions similar to the case in hand where there might seem to be little occasion in granting a pension, however, that may be, such an applicant seems to be entitled to one under our present law.

Very sincerely,

SCOTT WILSON,

Attorney General.