

MAINE STATE LEGISLATURE

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March 15, 1915

To Hon. Payson Smith, State Superintendent of Public Schools
Re: Salaries of Union Superintendents

Yours of the 13th inst. is before me, asking for the opinion of this office relative to the construction of Section 41 of Chapter 15 of the Revised Statutes, as amended, and more particularly to that part of said section which relates to the fixing of salaries of union superintendents of schools. The aforesaid section reads:

"The school committees of the town comprising a union shall form a joint committee, and for the purposes of this section and the four following sections said joint committee shall be held to be the agents of each town comprising the union. Said joint committee shall meet annually at a day and place agreed upon by the chairman of the committee of the several towns comprising the union, and shall organize by the choice of a chairman and a secretary. They shall determine the relative amount of service to be performed by the superintendent in each town, including the minimum number of visits to be made each term to each school, fix his salary, apportion the amounts thereof to be paid by the several towns, which amount shall be certified to the treasurers of said towns respectively and to the state superintendent of schools, together with the amount apportioned to each town; provided that the amount so certified shall be in proportion to the amount of service performed in the several towns. They shall choose by ballot a superintendent of schools for a term not exceeding five years but the period of such election shall not exceed that for which the union of the towns has been authorized."

At the very outset after the joint committee is formed we run into a question of agency for the section reads that

"said joint committee shall be held to be the agents of each town comprising the union,"

and to my mind this alone, outside of any other statute governing the matter, is sufficient to give the joint committee the right to fix salaries and do other things necessary to carry out the purposes of said union so long as they as agents act within the apparent scope of their authority, but the statute goes even further, for it specifically states many of the duties. . . All these duties devolve upon them and upon them alone, but the statute goes further and reads that this committee (not any other body) shall "fix his salary" and when once fixed by them there is no doubt in my mind but what it is bound to be paid.

Oscar H. Dunbar
Assistant Attorney General