

MAINE STATE LEGISLATURE

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July 28, 1939

Honorable Bertram E. Packard
Commissioner of Education
Augusta, Maine

Dear Dr. Packard:

I understand from our conference this afternoon that, prior to the date when the city of Eastport was taken over by the Emergency Municipal Finance Board, certain sums of money have been taken from the pay of teachers employed by that city under the provisions of Section 229, Paragraph 2 of Chapter 19 of the Revised Statutes, and that these sums so deducted have not been turned over to the Treasurer of State prior to the taking over of the city.

As you know, the Emergency Municipal Finance Board has consistently ruled that no debt contracted by a town prior to the taking over of its affairs by the State should be paid until the financial accounts of the town have been audited and the question of the legality of its debts submitted for judicial determination. These sums so deducted, however, would seem to me to be in a different category than an ordinary debt of the town and, having been deducted from the teachers' pay are held in trust by the city for the teachers, the city simply acting as a collection agency for the State and the money so collected never legally becoming a part of the assets of the city.

In my opinion it would be proper for Commissioner Ela of Eastport to turn any money so collected over to the Treasurer of State for the benefit of the teachers from whom it was collected; a process which would save further payment of interest on these funds.

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This opinion would also, of course, apply to the situation in Silver Ridge Plantation, Blaine, Kingman and any other town or plantation which has been, or may be, taken over by the Emergency Municipal Finance Board.

Very truly yours,

Franz U. Burkett
Attorney General

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