

# MAINE STATE LEGISLATURE

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STATE OF MAINE

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REPORT

OF THE

ATTORNEY GENERAL

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for the calendar years

1941--1942

Section 7 of Chapter 114, P. & S. L. 1927 "An Act to Incorporate the Bangor Bridge District, provides in the last paragraph thereof as follows:

"Before the contract for the construction of the bridge is executed, the several parties who are to pay the costs thereof shall each make arrangements for raising the necessary funds and the proportion of the cost shall be thirty per cent for Bangor Bridge District, thirty per cent for the county of Penobscot and forty per cent for the state of Maine."

It is to be noted that this refers only to the construction contract and not to damages.

Section 5 of the Act provides for payment by the Bridge District of damages resulting from the granting of an easement to it by the city of Bangor.

Section 2 of the Act makes the District subject to all obligations under Chapter 319, P. L. 1915 and acts amendatory thereof which are not inconsistent with the terms of said Chapter 114. Section 9, Chapter 319, P. L. 1915, as amended by Section 6, Chapter 193, P. L. 1923 reads in part as follows:

"The state shall not be liable to any person or corporation for damages arising from the construction or rebuilding or improvement of any bridge built or rebuilt under the terms of this act." There is nothing in Chapter 114, P. & S. L. 1927 which is inconsistent with this provision.

In view of the foregoing it is the opinion of this department that the state is not responsible for payment of any part of the damage which may have been suffered by the owner of the property affected by the change of grade of the Washington Street extension.

Deputy Attorney General

June 2, 1943

Commander F. C. Hingsburg, U. S. C. G.  
Office of the Captain of the Port,  
477 Congress Street,  
Portland, Maine.

Dear Sir:—

I have your letter of May 27th inquiring whether the taking of a Federal oath for service in the Coast Guard Auxiliary Temporary Service by a judge, member of the Maine State Legislature, or an employee of the State of Maine, where the reservist must devote twelve hours a week of his free time to military duties and during such time will be subject to military discipline and the jurisdiction of the military, jeopardizes the position of such persons or their employment under the State government.

In my opinion there is no conflict between the State and Federal basic law under such circumstances. The time spent in military duties will either (1) not interfere in any way with the duties of the reservist in connection with his State position, or (2) will come within the intention of the legislature in preserving the status of employees of the State entering the military and naval services of the United States.

Very truly yours,

FRANK I. COWAN  
Attorney General

June 4, 1943

To:  
Harry V. Gilson, Commissioner  
Education

From:  
Frank I. Cowan  
Attorney General

Your deputy, Mr. Roderick, has sent to this office a memorandum from you to him in regard to Mr. ——. Chapter 38 of the Public Laws of 1931 provides as follows:

“Provided, further, that any certificate granted under this or any preceding law may for sufficient cause be revoked and annulled. . . . Any teacher whose certificate has been revoked shall be granted a hearing on request before a committee,—one member to be selected by the department of education, the second by the teacher involved, and the third by the other two members. The hearings before this committee may be public at their discretion and their decision shall be final.”

This language is sufficiently broad to give you authority to revoke the certificate of any teacher when in your opinion such revocation is justified. The law in the language I have quoted above provides for an appeal and a decision by a committee of appeal after hearing the evidence.

There is not sufficient evidence presented to me in the documents from your office so I can properly advise you that such evidence does or does not constitute grounds for revocation. There is an administrative problem, and it can become a matter of interest to this department in case only of mal-administration or mis-administration.

I am returning herewith the memo from yourself to Mr. Roderick and the letter from Mr. ——— to which is attached a reference form.

FRANK I. COWAN  
Attorney General