

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

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 Any teacher whose certificate has been revoked shall be granted a hearing on request before a committee,—one member to be selected by the department of education, the second by the teacher involved, and the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