

# MAINE STATE LEGISLATURE

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no

March 1, 1944

Harry V. Gilson, Commissioner

Education

Frank I. Cowan, Attorney General

Attorney General

I have your memo of February 28th, in regard to the legal status of Life Certificates granted by the Department of Education.

I note that many people having such certificates have had no administrative experience in Maine schools for at least 20 years, and are no longer familiar with administrative problems, especially those involving school law.

R. S. 1916, Chapter 16, §59, in regard to qualifications of superintendents of schools, provides that they "shall hold state certificates of superintendence grade which shall be issued upon such examination as may be prescribed by the state superintendent of schools".

R. S. 1930, Chapter 19, §43 says of superintendents of schools,....."he shall hold a teacher's state certificate, or a state certificate of superintendence grade".

There is nothing in either statute providing for Life Certificates although there may be in some other statute which I did not see. Even if the statute did provide for them they are not irrevocable, nor are they evidences of contract between the superintendent and the State. If they have been issued simply as a matter of custom and under regulations issued by authority of the 1916 statute, the regulations can be changed and the certificates canceled.

As a practical matter it may be that all such certificates which have not been used in this State for a period of years should be canceled and new ones issued only upon such terms as the Commissioner of Education shall prescribe.

Frank I. Cowan  
Attorney General

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