

MAINE STATE LEGISLATURE

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no

March 1, 1944

Thomas V. Doherty, Esq.
Houlton, Maine.

Dear Tom,

I have your letter of February 28th in regard to _____.
I discussed this matter with LeRoy Folsom, Joe McGillicuddy, and Earle
Hayes, the Director of Personnel. LeRoy and Joe both speak of Miss _____
in high terms. Mr. Hayes informs me that the Board of Trustees not only
got a report from their medical board, but, as authorized in paragraph 10
of Section 227-K of the Retirement Act, employed another physician to
report on this special case.

The provisions of paragraph 1 of Section 227-F are peculiar.
You will see that a person may be retired by the Board of Trustees,
provided the medical board certify: 1) that the person is incapacitated;
2) that such incapacity is likely to be permanent; and, 3) that he should
be retired.

The medical board certified as to 1) and 2) but did not certify
as to 3) and it is my understanding that they will not so certify in the
case of a person who is, in their opinion, incapacitated by reason of
deliberate misconduct. In the instant case their conclusion was that such
deliberate misconduct was the cause of the incapacity.

Inasmuch as the time of appeal under the provisions of Section
227-R (a) has gone by, I don't know that anything can be done.

Very truly yours,

Frank I. Cowan
Attorney General

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