

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

July 8, 1947

To E. E. Roderick, Deputy Commissioner of Education

In answer to your inquiry of June 20, 1947, relative to employment of teachers who have reached retirement age or who are beyond that age, and also the cases where a person 70 or over is employed for the first time to teach, due to the shortage of teachers:

In the former case the statute, Chapter 384, P. L. 1947, Section 6, is very plain that retirement is compulsory when the teacher reaches the retirement age of 70, unless at the request of the Governor and with the approval of the Council the trustees permit the teacher to be continued in employment for periods of 1 year.

As to the latter, the same act by Section 3, paragraph 1, provides that after July 1, 1947, membership in the retirement system shall be a condition of employment. A person 70 or over would be ineligible to become a member because of the compulsory retirement provision above cited. I am therefore of the opinion that in these cases employment may only be sanctioned by request of the Governor as in the cases of continuing a teacher in employment after reaching the retirement age.

I would advise that the local superintendent or school committee inform the Department of Education, which in turn will request the Governor that he obtain the approval of the Council for such employment. This appears to be rather cumbersome, but the administration of the retirement system is by the State and until this is modified the only body authorized to act is the executive body.

Since membership is compulsory, the person will have to contribute to the system and at subsequent retirement either have the benefit of the annuity or the return of the contributions plus interest on withdrawal from the service.

ABRAHAM BREITBARD
Deputy Attorney General

July 18, 1947

To Lester E. Brown, Chief Warden, Inland Fisheries and Game

I have gone over the correspondence which you submitted to me, which deals with the application of a student at Bowdoin College for a resident hunting and fishing license. The clerk of the town refused to issue resident licenses to the applicant.

Without going into the details in full, I feel that I should uphold the town clerk, and therefore advise you that the town clerk was justified in refusing resident licenses, in view of the fact that the applicant had applied to be registered as a voter, claiming his domicile to be in Brunswick, and the selectmen, after giving the applicant a hearing and after due consideration, determined that he was not domiciled in the State of Maine and therefore did not establish a domicile in Brunswick. They therefore refused to place his name on the voting list.