

MAINE STATE LEGISLATURE

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STATE OF MAINE

R E P O R T

OF THE

ATTORNEY GENERAL

for the calendar years

1949 - 1950

to force the municipal officers of that town to constitute a board of examiners to inquire into the condition of said person, even though it is the town of his residence. It is the duty of the municipal officers of the first town, when a person is found insane therein, to take action upon a complaint and make commitment from that town. . . .

RALPH W. FARRIS
Attorney General

December 30, 1949

To Marion E. Martin, Commissioner of Labor and Industry
Re: Revenues from the Elevator Law, Chapter 374, P. L. 1949

I have your memo of December 29th, quoting Section 99-K relating to the dedication of revenues and also Section 99-G relating to examination of inspectors, providing for the payment of a fee of \$10. You propound the following questions:

"1. Does the supervising inspector collect the \$10 examination fee provided in Section 9-G as he does the other fees set forth in 99-K?"

Answer. Yes. The fees should be collected by the supervising inspector and deposited with the Treasurer of State to be credited to the Department of Labor and Industry as set forth in Section 99-K.

"2. Can the funds from the examinations be dedicated to the Department of Labor and Industry?"

Answer. It is unnecessary. It is taken care of by the answer to Question 1.

"3. Can the dedicated funds in Section 99-K be used for the expenses of the Board of Elevator Rules, printing of the rules, office supplies, telephone, etc., in connection with the administration of this bill?"

Answer. The last paragraph of Section 99-K provides that the fees shall be used solely to defray the expenses of elevator investigations and inspections and are hereby appropriated for such purposes. The commissioner may incur such expenses as may be necessary to carry out his duties in investigating, inspecting and causing to be inspected such elevators; therefore it is my opinion that the statute is broad enough to cover these items in Question 3.

RALPH W. FARRIS
Attorney General

January 4, 1950

To Harland A. Ladd, Commissioner of Education
Re: Sections 201 and 204 of Chapter 37, R. S. 1944, as amended

I have your memo of January 2d, stating that paragraph 2 of the former provides in part as follows:

"Whenever any certified teacher completes, within any 2-year period, 6 credit hours of additional professional work approved by the commis-

sioner and receives supplementary financial assistance in an amount not less than \$50 from the town, the town shall receive reimbursement of \$50 from the state for such expenditure at the next distribution of state funds."

Paragraph 2 of the latter section directs the distribution of the school equalization fund and prescribes:

"Whenever it appears to the commissioner that any town should receive special aid or encouragement for the purpose of raising the standard of qualifications of teachers, or of increasing the length of the school year, or otherwise adding to the efficiency of the schools, he shall issue to the governor and council a recommendation relative thereto, and upon the approval of the governor and council the state controller may draw a warrant in favor of the treasurer of said town from the equalization fund for an amount to cover the difference between the proceeds of a tax of not less than 12 mills nor more than 20 on the valuation of the town as fixed by the board of equalization together with the apportionment from the state school fund, and the cost of a minimum educational program as hereinbefore defined."

Upon a quotation of parts of these two sections you request me to determine whether the phrase, "together with the apportionment from the state school fund," must include the reimbursing sums for additional professional work as provided in Section 201; and you comment that if this amount is included, it is deductible from the cost of the minimum program and the burden is transferred thereby entirely to the town, a process which seems to defeat the intent of both sections.

After a study of the portions of the statute which I have cited, it is my opinion that when a town has complied with Section 201 and has given to certified teachers, under this provision, supplementary financial assistance in the amount of \$50 or less for each teacher, the town should receive reimbursement from the State for such expenditure at the next distribution of State funds; and I concur with your statement that if this amount is deducted from the cost of the minimum program, the town does not receive the reimbursements. In other words, it is taken away from the town, which clearly was not the intent of the legislature.

RALPH W. FARRIS
Attorney General

January 4, 1950

To W. O. Bailey, Deputy Commissioner of Education
Re: Tuition

I have your memo of December 30th, stating that the Superintendent of Schools in Whitefield has raised the following question:

"Does the State Department uphold Wiscasset Academy charging tuition for a full term when a pupil quits after four weeks? They sent out a letter last year that no part-time tuition bills would be sent; if a pupil attended part of the term, they would be charged for the full term."