

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**STATE OF MAINE**

**R E P O R T**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1949 - 1950**

to me that the Board has discretion to renew the reinstatement lists at different periods for terms not exceeding two years each at any time they see fit to do so, providing the applicant for reinstatement has complied with Rule VI, that is, that there was no delinquency or misconduct on his part.

RALPH W. FARRIS  
Attorney General

January 30, 1950

To Carl L. Treworgy, Clerk, Racing Commission  
Re: 8 week night harness racing law

I have your memo of January 30th asking if it would be legal for the Commission to split up the 8-week night harness racing meetings into two or more periods and also if it would be legal to grant less than 8 weeks to a licensee, under the provisions of Section 5 of Chapter 388, P. L. 1949.

In reply I will say that the statute provides that the Commission shall issue licenses, where pari mutuel betting is permitted, to hold night harness races or meets for a period of 8 weeks and no more between June 15th and October 15th of each year; if the applicants are qualified under this section, the Commission has wide discretionary powers in regard to the length of time for which licenses may be issued, having in mind always the economic welfare of the State where pari mutuel betting is permitted.

RALPH W. FARRIS  
Attorney General

January 31, 1950

To Philip A. Annas, Associate Deputy Commissioner of Education  
Re: Board of Trustees, Greeley Institute

I have your memo of January 30th relating to the status of the board of trustees of Greeley Institute, which was chartered under Chapter 48, P&SL 1913. Section 2 of this chapter states in part as follows:

“The board of trustees shall be seven, and of this number the selectmen of the town of Cumberland, and each of them, during their term of office, shall always be members. The remaining four shall be first designated by the inhabitants of the town of Cumberland in town meeting, . . .”

In your memo you call my attention to an amendment to the charter of Greeley Institute, Chapter 66, P&SL 1945, which added four new sections. Section 3-A enacted by this chapter provides:

“Powers of trustees. . . , and when the amount paid under the contract is equal to or exceeds the income of the Institute, in accordance with said section, then the board of trustees is hereby authorized and empowered to choose 3 of their number, who shall not be the selectmen of the said town of Cumberland, to act as a joint committee with the superintending school committee of said town in accordance with said section,

and said joint committee shall have all the powers vested in said committee by the provisions of said section and the town shall have all the benefits provided in said section."

In 1949 the town of Cumberland in town meeting voted to increase the number of selectmen from three to five.

On the foregoing statement of law and fact you ask the following questions:

"Question 1. Does the original charter, providing for three of the seven members of the board of trustees to be selectmen, prevail; or does the action taken by the town in 1949, increasing the number of selectmen from three to five, permit the number of selectmen on the board of trustees to be five?"

In answering Question 1 I will state that the original charter provided for three selectmen to be members of the board of trustees of Greeley Institute and four members to be elected by the inhabitants of the town of Cumberland in town meeting. In view of the fact that in 1945 the legislature authorized the formation of a joint committee of the board of trustees with the superintending school committee and provided that three of their number, who shall not be selectmen, shall act as a joint committee with the town superintending school committee, it is my opinion that the provisions of the charter prevail, notwithstanding the fact that the town has increased the number of selectmen to five, and that it is incumbent upon the selectmen to select three from their number to serve as trustees of Greeley Institute. Those members of the board of trustees elected by the inhabitants to serve on the joint committee should not be members of the superintending school committee; nor can they be selectmen.

"Question 2. If the number of selectmen permitted to be members of the board of trustees is five, how is the membership of the joint committee to be selected?"

My answer to Question 1 practically answers Question 2, as the provisions of the charter, as amended by the 1945 Legislature, should prevail over the action of the inhabitants of the town; and it was clearly the intent of the legislature to have only three members of the board of seven trustees be selectmen.

RALPH W. FARRIS  
Attorney General

January 31, 1950

To Ermo H. Scott, Deputy Commissioner of Education  
Re: Legality of establishing procedure for approval of teacher-education curricula

I have your memo of January 26th relating to the above named subject. You state that from time to time the State Department of Education is requested to grant approval to collegiate institutions within the State of certain curricula designed for the professional training of teachers; that up to this time such approvals, when granted, have been very informal in character and not based on definite standards; and that they have placed too significant