

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

You have stated that it has been suggested that the clause should be read as obviously out of context, and as having nothing to do with the granting of \$50 subsidies, as though it were a separate section of statute requiring six semester hours of professional study within each period of five years as a condition precedent to the renewal of a teaching certificate. While I am not expressing any opinion as to whether the clause could or should be so read, I will say that if it should be so read, it cannot in and of itself be considered as a requirement imposed upon superintendents, for the reason that Section 77 authorizes and delegates to the Commissioner the authority and duty to prescribe by regulation the circumstances under which State certificates of superintendence grade shall be issued.

JOHN S. S. FESSENDEN
Deputy Attorney General

April 11, 1950

To Harland A. Ladd, Commissioner of Education
Re: Equal Pay for Equal Work

I acknowledge receipt of your memorandum of April 11, 1950, advising me that you have been asked by representatives of two local teacher organizations in the State for an opinion as to whether or not the provisions of Chapter 262 of the Public Laws of 1949 apply to teachers, and you request me to advise you on a proper response to this question.

I should advise them that Chapter 262 of the Public Laws of 1949 is an addition to Chapter 25 of the Revised Statutes, which relates to the Department of Labor and Industry. Sections 38, 39 and 40 of said Chapter 25 relating to the Department of Labor and Industry, have a sub-heading designated, "Payment of Wages," and Section 40-A is an addition to Section 40 under said sub-heading and relates to the payment of wages by corporations, persons, or partnerships engaged in certain industries as set forth in Section 38. The profession of teaching is not mentioned in Sections 38, 39 and 40 or in the new Section 40-A, which is under the designation of "Payment of Wages," and therefore does not apply to teaching positions which are under contracts with superintending school committees or superintendents of schools in cities and towns.

RALPH W. FARRIS
Attorney General

April 11, 1950

To Raymond C. Mudge, Commissioner of Finance
Re: Request, The National Association of State Budget Officers—
Block Grants

I have your memo of March 29th attaching a letter dated March 21st, from The National Association of State Budget Officers, signed by Ted Driscoll, Assistant Director of The Council of State Governments, asking for certain information for use by the Committee on Federal-State Fiscal Relations.

In answer to Question 1 in Ted Driscoll's letter I will say that there is no Constitutional or statutory objection to the use of federal money made available in block-grant form.

In answer to the second question in his letter I will say that there will be no State Constitutional difficulties about proposals to permit transfer of funds between categorical grants, and I can find no statutory difficulty that cannot be taken care of with the approval of the Governor and Council under the budget and Chapter 14.

In answer to the third question propounded by Ted Driscoll in his letter of March 21st, whether, if federal grant-in-aid money is appropriated by our legislature, difficulties would arise in drafting the appropriation bills if block grants or the transfer device were in effect, it is my opinion that we would have no difficulties if this matter was taken up at the budget hearings conducted before the legislative session. As I understand it now, our legislature does not appropriate federal grants-in-aid. They are merely allocated to the departments for which federal aid is requested and do not figure in legislative appropriations of state funds. I cannot see where the appropriation of State matching funds would be made more difficult by the block grant form of federal aid.

You know more about the workings of the State Budget than I, and therefore you can answer his letter on the basis of what information I am giving you on this score added to your own knowledge of the handling of the State Budget and the Department of Finance. . .

RALPH W. FARRIS
Attorney General

April 20, 1950

To Ermo H. Scott, Deputy Commissioner of Education
Re: State liability for accident incurred in transporting the basketball team at the State Normal School, Presque Isle, Maine

We have carefully reviewed the correspondence and attached papers submitted by you with your memorandum of March 13, 1950.

It appears that in this case the Athletic Association at the Aroostook State Normal School authorized a student to enter into a contract to rent a car for the transportation of part of an athletic team to a regularly scheduled contest. The contract is very specific and clearly authorizes the company owning the vehicle to sue on the contract. You will note among other things that the renter agreed that he would return the vehicle to the owner in the same condition as he received it.

It would appear to us that the Athletic Association should pay on the claim of the company owning the vehicle unless by chance that company has already been reimbursed through its own collision insurance. This is a matter which should be determined locally.

JOHN S. S. FESSENDEN
Deputy Attorney General

April 20, 1950

To H. H. Harris, State Controller
Re: Carleton Day Reed d/b/n/Reed & Reed, Woolwich, Maine

Under date of June 8, 1949 the Attorney General addressed the following memorandum to the Bridge Division of the State Highway Commission: