

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

for the calendar years  
**1951 - 1954**

November 29, 1951

To Honorable Frederick G. Payne  
Re: Running Horse Race Commission

Chapter 289 of the Public Laws of 1949 created the Running Horse Race Commission, consisting of three members appointed by the Governor with the advice and consent of the Council. Section 1 of that chapter provides that one member shall be appointed by the Governor as chairman and one as secretary.

This office has been requested to advise whether a system may be inaugurated whereby the chairmanship will vest in different members of the Commission. In other words, may the Governor appoint another member of the Commission to be chairman?

It is a general rule that when the removal of a public officer is not governed by constitutional or statutory provisions, the power of removal is incident to the power to appoint. Analogously, we are of the opinion that, as the term of the chairmanship of the Running Horse Race Commission is not fixed by law, constitutional or statutory, it is within the power of the appointing power to determine what the term of tenure of that chairmanship shall be. He may therefore by reason of setting up a system whereby the chairmanship shall vest in different members at different times or for other good reason appoint another member of the Commission to be chairman.

JAMES G. FROST  
Assistant Attorney General

November 29, 1951

To Harland A. Ladd, Commissioner of Education  
Re: Teacher Contract Law

We have your memo of November 13, 1951, relative to Chapter 203 of the Public Laws of 1951, amending Chapter 37, Section 78, subsection V of the Revised Statutes of 1944, in which memo you ask the following questions:

“(1) May each community determine the dates of its school year as related to teacher contracts?”

The answer to this question is, Yes. The matter of contracts between teachers and superintending school committees for employment is a local question, and the communities involved may determine the dates at which the contracts will begin and terminate.

“(2) The law provides for an automatic extension of a term contract ‘. . . unless a duly certified teacher receives written notice to the contrary at least 6 months before the terminal date of the contract.’

“Should this notification be a decree of separation, or may it be properly an advisement nullifying the automatic extension provision of the law pending a later and final decision of the committee on the employment status of the teacher? If the latter situation prevails, am I correct in concluding that a new term contract must be issued?”