

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

December 14, 1951

To Fred L. Kenney, Director of Finance, Department of Education

Re: Payments to Superintendents as provided in Section 71, Chapter 37.

. . . Section 71 provides that the Commissioner of Education may pay to superintendents of towns comprising a school union, under certain conditions, a sum not to exceed \$350 annually. You state:

"It has been customary for the Commissioner of Education to budget not in excess of 1/5 of the annual appropriation for Superintendents of Towns Comprising School Unions (Appropriation No. 4855) for the equalization of travel within a school union and for assistance in defraying the cost of earning additional professional credits, through the rule of allowing \$50 for six hours earned within the State and \$100 for six hours earned outside the State, to the point of not exceeding \$350 annually per superintendent *per year*.

"We have learned in recent months that some superintendents either were never properly informed or had forgotten their rights under these provisions, with the result that we are currently faced with making the payments to clean up professional credits which were earned in previous fiscal years but which had never been presented for payment until now."

You then ask: "Do you consider it would be proper to make these retroactive payments and bring the status to a current basis even though the amount so paid exceeds \$350, so long as the amount involved for travel plus *credits earned during the current fiscal year*, combined, do not exceed \$350?"

That section of the law under consideration reads:

"... the amount so paid for the benefit of a single union shall not exceed \$350 annually and shall be in addition to other payments made to said superintendent as provided in this section, and provided further, that the amount so available for the equalization of such expenses shall not exceed 1/5 of the appropriation for superintendents of towns having school unions."

By this section we understand that the Commissioner may pay up to \$350 annually for expenses incurred by superintendents in pursuing their educational requirements. In the event that, through inadvertence on the part of superintendents in demanding their rights or through their not having been informed of such rights, they have not been reimbursed for expenses incurred by them, it is our opinion that it would be proper to make retroactive payments to bring the status of such superintendents to a current basis.

It is our opinion that such payments may not exceed \$350 for any one year, but that such payments may be made for several years in the event a superintendent has not been paid for such time, even though the total amount exceeds \$350 over a period of years.

JAMES G. FROST

Assistant Attorney General