

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

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

You then ask the following question: "Must I apply the penalty of deducting salaries paid to teachers working less than half time in computing the next biennial computation for subsidy payments to municipalities in December 1953 and 1954?"

It is the opinion of this office that this paragraph really sets up the minimum salary for a certified teacher. The sentence quoted penalizes cities and towns which employ teachers who are not properly qualified and pay them less than the minimum salary. The fact that a teacher is employed at half-time or less does not authorize an amount to be deducted from the apportionment. If that teacher is paid in proportion an amount that would comply with the minimum salary, then no such penalty is authorized.

JAMES G. FROST
Assistant Attorney General

April 4, 1952

To Julius Greenstein, Chairman, Boxing Commission
Re: Imposition of Fines

You have requested this office to give an opinion as to whether or not the Commission may, in addition to suspending or revoking a license, or in lieu thereof, impose a penalty in the way of a fine for violation of the rules and regulations of the Commission.

Board and Commissions may exercise only those powers delegated to them by the legislature. The statutes relative to your Commission give no permission to impose fines.

The general rule is that under our Constitutions the power to fine is a judicial power and cannot be reposed in administrative tribunals, with the one exception that where permitted by the Constitution a fine may be imposed for contempt in violation of administrative orders.

It is our opinion, therefore, that your Commission may not impose a fine for violation of your laws, rules, or regulations.

JAMES G. FROST
Assistant Attorney General

April 4, 1952

To Earle R. Hayes, Secretary, Maine State Retirement System
Re: Participating Local Districts

This office is in receipt of your memo of March 27, 1952, in which you recall to mind our conversation of recent date relative to local participating districts.

Your office has prepared in mimeographed form condensations of the laws passed by the 1951 legislature amending Chapter 60 of the Revised Statutes of 1944. You state in this mimeographed form, which you distributed to participating local districts: