

MAINE STATE LEGISLATURE

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No

April 3, 1953

To Ermo H. Scott, Deputy Commissioner of Education
Re: Purchase of Health Insurance for Public School Teachers

We have your memo of March 23, 1953, in which you pose the following questions:

"(1) To what extent is it permissible for a town to purchase from public funds health insurance in favor of each of its public school teachers?

"(2) If permissible, to what extent may the amount expended participate as an annual operating cost in determining subsidy payment by the state to the town under the general aid formula?

"(3) To what extent is it permissible for a town to deduct regularly from a teacher's salary, providing appropriate authorization has been secured from the teacher, amounts sufficient to pay the costs for the purchase of such health insurance?"

The answer to Question #1 is that it is not at all permissible for a town to purchase from public funds health insurance in favor of each of its public school teachers.

The answer to Question #1 answers Question #2.

In the State of Maine the powers of a town arise from statute only and there is no power unless it is expressly granted or necessarily implied for the proper performance of duty.

It is not expressly stated that a town may purchase such health insurance, nor do we think it is necessarily implied for the proper performance of duty. As a result, it is our opinion, in answer to Question #3, that it is improper for a town to act as a collecting agency to deduct from a teacher's salary amounts sufficient to pay such health insurance. *

James Glynn Frost
Deputy Attorney General

jgf/c

See Ch 60, § 163, R.S. '54

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