

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

for the calendar years  
**1951 - 1954**

Teachers who do not possess the certificate referred to are contemplated in a later paragraph of the same section:

“If the employment of teachers under permits or other special licenses is authorized by the state board of education, the state board shall have the authority to prescribe minimum salaries and other regulations for this class of teachers.”

Reading this entire section as a whole we are of the opinion that all certified teachers, whether regularly employed by the superintending school committee on nomination by the superintendent or working on a substitute basis, but possessing the certificate required by Section 156, are entitled to be paid the minimum salaries as prescribed in Section 201, as amended.

A teacher not having such certificate presumably will have been issued a certificate under that section of law which permits the State Board of Education to grant lesser permits or other special licenses. Such permit or special license holder, presumably including substitutes who have been issued substitute teacher's certificates limited in use to service of not more than 30 days annually, would not be embraced in the minimum salary schedule.

JAMES GLYNN FROST  
Deputy Attorney General

April 12, 1954

To William O. Bailey, Deputy Commissioner of Education  
Re: Liability

You state that a “situation has arisen in a municipality where the services of a Recreation Director have been offered the school department by a local Recreation Commission free of charge. This person would be assigned as a coach of fall intramural football activities and spring baseball in the eighth grade.

“It is proposed that these activities be carried on as an integral part of the school program with School Committee sponsorship and responsibility. The person whose services have been offered is not eligible to certification as a teacher or physical education instructor.

“The question raised is whether a School Committee can accept this voluntary service with full protection and freedom from liability under present laws with respect to school teaching personnel.”

It is the opinion of this office that the voluntary nature of the service to be performed by the Recreation Director will in no way save the school committee from their negligent acts which cause injuries to students. Their responsibilities would remain the same as if the Recreation Director were a paid employee of the school.

JAMES GLYNN FROST  
Deputy Attorney General