

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

On the question as to whether such teacher could be given creditable service for teaching at the Maine School for the Deaf, it would appear to us that Section 4-VIII of Chapter 60, R. S. 1944, would govern. This section would permit the granting of prior service credit to such a teacher for service rendered prior to the teacher's attaining age 25. In the event such service was performed after having reached the age of 25 years, then creditable service could not be granted.

JAMES GLYNN FROST

Deputy Attorney General

December 14, 1954

To William O. Bailey, Secretary-Treasurer, Maine School Building Authority
Re: Liability Insurance

The question has arisen from time to time relative to the liability of the Maine School Building Authority under the provisions of the Compensation Act.

Initially it was determined that where an independent contractor was not in the picture and the town employed a master builder and hired individuals of various trades to work on the building, these persons were employees of the town rather than of the Authority. After some deliberation and discussion on the part of the insurance carriers, the Industrial Accident Commission and myself, we believed that it would be more plausible to have the Authority in such instances carry the liability insurance. We feel that it is easier to trace the chain of employment to the Authority than to the town itself, though we must never overlook the fact that the town is acting as an agent of the Authority when it erects a building under the provisions of the Act.

If it is easier to trace the employment contract to the Authority, then it is obvious that the Authority should be covered. This will give the ultimate protection to the Authority which is our first endeavor, the second being to give the workman a chance to recover compensation when injured in his employment.

From the minutes of the Authority meeting of April 13th, relating to this problem, it appears that three avenues were discussed. One, of course, is self-evident:— that the independent contractor should carry his own compensation. The other two alternatives were to have the town or the Authority carry the policy and cover themselves, respectively.

It is our opinion that the Authority should carry the insurance in these particular instances, to cover itself as employer until such time as it has been decided in a given case either before the Commission or before the Court that these people are employees of the town.

ROGER A. PUTNAM

Assistant Attorney General