

MAINE STATE LEGISLATURE

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STATE OF MAINE



REPORT
OF THE
ATTORNEY GENERAL

for the calendar years
1955 - 1956

March 22, 1956

To Hon. Harold I. Goss, Secretary of State

Re: Use of State of Maine Flag

We have your request for an opinion, dated March 19th, enclosing a cut of a proposed use of our Maine State Flag in an advertisement for Coca-Cola.

It is our opinion that the proposed use of the flag would be a violation of Section 28 of Chapter 1, R. S. 1954, and that the proposed use does not come within the exceptions found in Section 30 of that chapter.

We note particularly that many States have passed legislation along this line, and it has been held in *Halter v. Nebraska*, 205 U. S. 34, that a State, in the absence of Congressional legislation, may prohibit the use of the flag of the United States in advertising material, saying that such use tends to degrade and cheapen the flag in the estimation of the public, as well as to defeat the object of maintaining it as an emblem of national power and honor. We feel that the use of our flag in the manner described would have the same effect.

ROGER A. PUTNAM
Assistant Attorney General

April 4, 1956

To Kermit S. Nickerson, Commissioner of Education

Re: Merit Increases

We have your memo of March 23, 1956, to which was attached a copy of a letter to you from Robert F. Crocker, Jr., superintendent of schools in Caribou.

Mr. Crocker's letter includes a plan for rewarding teachers by varying increments of money, depending upon the success of the individual teacher in the classroom. The question is asked if such merit schedules will be in conflict with Chapter 41, Section 238, of the Revised Statutes of 1954, which reads as follows:

"In assigning salaries to teachers of public schools in the state, no discrimination shall be made between male and female teachers, with the same training and experience, employed in the same grade or performing the same kinds of duties."

It is our opinion that before such a plan for merit increases can be put into effect, Section 238, above quoted, should be amended to permit such planning. It would appear to be the intent of Section 238 to see that male and female teachers with the same training and experience, employed in the same grades or performing the same kinds of duties, should receive equal pay. Under Mr. Crocker's plan, quite obviously, their pay would depend upon the performance of their duties and not upon their training, experience or assignments.

JAMES GLYNN FROST
Deputy Attorney General