

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT  
OF THE  
ATTORNEY GENERAL

for the calender years

1961 - 1962

October 25, 1961

Robert P. Brown  
Superintendent of Schools  
School Administrative District #13  
Bingham, Maine

Dear Mr. Brown:

This is in answer to your letter of October 13, 1961.

I have consulted with Kermit S. Nickerson with the Department of Education and he exhibited to me a letter dated October 4, 1961, answering the question which you propose relative to the exclusion of married students. I am in agreement with the reasoning of Mr. Nickerson's letter that under the law, marriage is not a reason for excluding a student from school.

Very sincerely yours,

RICHARD A. FOLEY  
Assistant Attorney General

October 25, 1961

Honorable Welden W. Hanson  
Bradford, Maine

Dear Representative Hanson:

This is in answer to your letter of October 14, 1961, relating to the Bradford School District.

Under Private & Special Laws of 1961, Chapter 82, Section 3, a vacancy caused by the resignation of a trustee of the school district is filled by appointment by the municipal officers of the town. We interpret this to mean that the selectmen of the town must appoint offices presently vacant by reason of resignation.

Since the trustees of the school district are appointed by the selectmen and since the trustees report annually to the selectmen as to financial affairs of the district, I am of the opinion that the selectmen should not appoint one of their own members as a trustee of the district.

Very sincerely yours,

RICHARD A. FOLEY  
Assistant Attorney General

October 25, 1961

To: Earle R. Hayes, Executive Secretary of Maine State Retirement System

Re: Adjustments in Retirement Benefits for National Guard Service

Reference is made to your memo of October 19 concerning adjustments in retirement benefits made to those persons already retired who should have received prior service credits for Maine National Guard service.

I would call your attention to Revised Statutes, Chapter 63-A, section 13, subsection VIII, which provides in the last two sentences:

"The board of trustees, upon discovery of any error in any record