

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

each school fixing the salary and apportioning the amounts of the salaries to the several towns.

It is our opinion that the proviso relates only to the election of the superintendent and not to his other duties.

RICHARD A. FOLEY

Assistant Attorney General

November 28, 1961

To: Joseph J. Devitt, Chief, Bureau of Secondary Education

Re: School Principals, Responsibilities of

You have inquired whether or not a principal may permit a law enforcement officer to question a student who is a minor on the school premises relative to the commission of a crime.

Two situations are presented — first, where the student is a witness to the crime and second, where the student is accused of a crime.

There would be no violation of a statute by the principal to permit a law enforcement officer to question a student who may have witnessed a crime on the school premises nor is there any law forbidding a principal to permit law enforcement officers to question a student who is accused of a crime when the student is under the immediate charge of the principal.

Whether or not there would be any civil liability on the part of a principal for permitting the law enforcement officers to question a student accused of a crime, this office gives no opinion. The relationship of principal to his pupils is in the nature of in loco parentis. The teacher is the substitute for the parent, see *Brooks v. Jacobs*, 139 Me. 371. But this relationship appears to be for educational purposes only and if the law enforcement officers request an opportunity to question a student who is a minor when that student is accused of a crime, the safest course to follow would be to inform the parent immediately of the request, and request the law enforcement officials to defer questioning until the arrival of the parent.

RICHARD A. FOLEY

Assistant Attorney General

November 29, 1961

To: Ransford M. Smith, Chief Examination Division of Personnel

Re: Interpretation of Chapter 192, Public Laws of 1955

The following interpretation is given for the provisions of Chapter 63, § 17 II, of the Revised Statutes of 1954, and Chapter 192, Public Laws of 1955. For the purposes of clarity, the two provisions are broken down as follows:

Chapter 63, § 17 II-A. This provision allows all veterans who have a service connected disability of greater than 0% a ten-point veteran's preference. The Veterans' Administration has three types of preference certificates they issue. They are as follows:

1. A certificate stating that the Veterans' Administration is unable to