

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

Dictionary, 4th ed., p. 1068. As a license does not in any way convey the lands of the state, it can be granted by a state department without specific legislative approval. We, therefore, recommend that the Department of Inland Fisheries and Game execute a license giving the aforementioned company the right to perform the acts in question.

We are enclosing such a limited license for your approval.

THOMAS W. TAVENNER

Assistant Attorney General

February 21, 1962

To: Kermit S. Nickerson, Deputy Commissioner of Education

Re: Contracts and Joint Committees Between Towns and Academies

This is in answer to your two questions relating to Section 105, Chapter 41, Revised Statutes of 1954.

"1. Has an academy the right to contract with the superintending school committee of more than one administrative unit to provide secondary school education?"

Answer: I find nothing in Section 105 of Chapter 41 which would prevent an academy to contract with the superintending school committees of more than one town for secondary education.

"2. If a town contracts with more than one administrative unit may a joint committee be formed with more than one town? If this is legally possible, would such joint committee be formed as a separate committee with each unit or a joint committee comprising all units and the trustees?"

Answer: I find nothing in Section 105, Chapter 41, which would prevent the formation of a joint committee consisting of the superintending school committee of Town A, the superintending school committee of Town B and an equal number of trustees of the academy.

RICHARD A. FOLEY

Assistant Attorney General

February 23, 1962

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

Re: Status under State Retirement System of Retired State Police Officer

Reference is made to your memorandum of February 13, 1962, asking about the status of state police officers who might retire under the provisions of Chapter 15, section 22, and then seek employment with the State or as a public school teacher. It is assumed you are concerned with the status of such persons relative to retirement rights under the Maine State Retirement System.

Chapter 63-A, section 3, I, provides:

"The membership of the retirement system shall be as set forth following:

I. Any person who shall become an *employee* shall become a member of the retirement system as a condition of employment and shall not