

MAINE STATE LEGISLATURE

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November 6, 1962

To: Kermit S. Nickerson, Deputy Comm'r Education

Re: Mechanic Falls Budget and Payment of Court Judgment
for Teacher Illegally Dismissed

This office cannot by law act as advisors to a town or the school committee of a town relative to the interpretation of an article in the town warrant. The town or school committee must rely upon the opinion of the town counsel.

I have discussed the question of the vote on the school budget with Mr. Frank Chapman of the Maine Municipal Association and he is of the opinion that transfers between various items in the school budget is permissible provided the town council approve the transfers. Transfers should not be made between various departmental budgets such as schools and roads.

You inquire whether or not a court judgment of \$1,500.00 paid by a town to a teacher for the illegal dismissal of the teacher is a proper subject of state subsidy. If the suit was for back salary, and I assume that it was, then the judgment is for a salary which had not been paid but should have been paid and is therefore a subsidizable expense of the town.

Richard A. Foley
Assistant Attorney General

raf/m