

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

for the calender years

1961 - 1962

classification at a point some 2000 feet above the juncture of the water course and Sebago Lake?

Answer: R. S., chapter 79, section 2, does not distinguish between direct and indirect discharge of sewage into a body of water holding an "A" classification. The discharge of sewage is prohibited whether it flows directly or indirectly into Sebago Lake. The question which you must determine is whether or not the point of discharge is sufficiently removed from the juncture of the water course and Sebago Lake so that as a matter of fact the sewage will not flow into the lake. If the point of discharge and the juncture of the two bodies of water are so close that sewage (whether treated or not) flows into Sebago Lake, you may not, as a matter of law, license the discharge.

Furthermore, in order to grant a license the commission must find that the "discharge will not increase the pollution of *any* stream, river, pond, lake or other body of water . . . so as to violate the prohibition of section 4 . . ." R. S., chapter 79, section 9, I. (Emphasis supplied). Treated sewage would not lower the classification of the water course below its "B-2" classification. With the water course flowing into a body of water holding an "A" classification, the Commission must further find that the discharge would not increase the pollution of Sebago Lake. If the Commission finds, as a fact, that the discharge would increase the pollution of the lake, then the application for license must be rejected.

PETER G. RICH
Assistant Attorney General

November 14, 1962

Honorable Clyde A. Hichborn
La Grange
Maine (RFD to Medford)

Dear Mr. Hichborn:

You have asked the question, "Is a school superintendent of a school union considered a State employee and, therefore, ineligible to hold a seat in the Maine Senate?"

Our answer is "No."

The authority for the election and discharge of school union superintendents by the joint committee of the towns comprising the union is clearly set forth in Revised Statutes, Chapter 41, Section 79. The contract is between the joint committee and the superintendent. A superintendent is considered an "employee" under the Maine State Retirement System Law only for the purposes of that act.

Very truly yours,
FRANK E. HANCOCK
Attorney General

November 15, 1962

To: Robert Doyle, State Geologist, Maine Mining Bureau
Re: Renewal of Claims

You have asked the question of whether the Mining Bureau may refuse to accept the renewal of a claim if the claim is not being worked in such a manner as will reveal the geological characteristics of the land claimed.

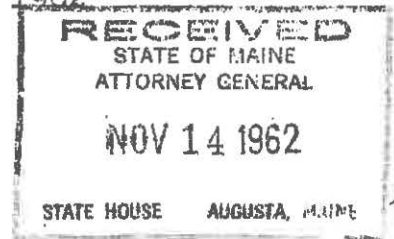
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MAINE SCHOOL UNION No. 86
CLYDE A. HICHBORN
 SUPT. OF SCHOOLS
HOWLAND, MAINE

LAGRANGE
 MAXFIELD
 SEBOEIS

ALTON
 EDINBURG
 HOWLAND

November 12, 1962



Mr. Frank E. Hancock
 State Attorney General
 Augustam Maine

Dear Mr. Hancock:

In the summer of 1959 I was elected a member of the Maine House of Representatives to complete the unexpired term of Warren Brockway of Milo who died during the summer of that year. In 1960 I was reelected and served in the House as a member of the 100th Legislature.

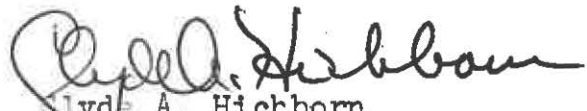
In this last election I was elected to the State Senate in Piscataquis County by a vote of 3048 to 2007. I am told that the right to hold this seat will be contested on the grounds that I am a State employee, being superintendent of schools in Union 86 here in Howland, a position I have held since long before I was first elected.

In 1959 I was assured by your office that there was no problem. This past summer when this question again arose, I talked with Mr. Foley who said there was no problem as school superintendents were not classified as state employees.

However, in view of the fact that an objection may be filed with the Secretary of State, I would like a written statement from you defining my eligibility status.

If there are any questions concerning this matter, I would be glad to answer them either by letter or in person in your office. Your answer will be appreciated.

Very truly yours,


 Clyde A. Hichborn
 Lagrange, Maine
 R.F.D. to Medford

P.S. I might add that there is no question about residence, as I have lived in the unorganized territory of Medford where I was born and have voted in Milo for many years.