

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

✓
no

November 20, 1963

Earle R. Hayes, Executive Secretary

Maine State Retirement System

John W. Benoit, Assistant

Attorney General

Superintendent of Schools and Secretary and Treasurer of School Administrative Districts; Social Security Coverage.

Your memorandum of October 10, 1963 is acknowledged.

FACTS:

Superintendents of schools are included in the definition of "teacher" in the Maine State Retirement System and are, therefore, covered by the System. R. S., c. 63-A, § 1; P. L. 1953, c. 417.

A superintendent of a school administrative district serves as secretary and treasurer of the district. R. S., c. 41, § 111-0; P. L. 1957, c. 443, § 2.

QUESTION:

Whether the position of secretary-treasurer of a school administrative district is severable from the position of superintendent of an administrative school district so that the former position qualifies for Social Security coverage?

ANSWER:

No.

REASON:

An applicable provision of law in R. S., c. 41, is as follows:

"Sec. 111-0. Superintendents of schools of the school administrative district. The superintendent of the school administrative district and such other staff personnel as the school directors deem necessary shall be selected by a majority vote of the full membership of the board of school directors and said superintendent of schools shall have the same duties, powers and responsibilities with respect to the schools within the school administrative district and the board of school directors as are prescribed by law for public school superintendents. In addition to other duties assigned him, he shall

Earle R. Hayes
Executive Secretary
Maine State Retirement System

-2-

November 20, 1963

serve as secretary and treasurer of the school administrative district or districts and also keep an accurate record of all meetings of the school administrative district.*

The duties of a superintendent of a school administrative district are synonymous with those duties prescribed by law for public school superintendents. But, due to the existence of a particular school administrative district, the attending superintendent must serve as secretary-treasurer of his district. And such service is characterized by our Legislature as an additional duty of the office of a superintendent of schools in a school administrative district.

Any remuneration paid a superintendent of a school administrative district for services rendered as a secretary-treasurer of the district constitutes a payment for the performance of additional duties assigned to him. Such remuneration is not capable of another characterization.

By legislative mandate, the superintendent of schools is the sole person authorized to serve as secretary-treasurer of the school administrative district.

John W. Benoit
Assistant Attorney General

JWB/slf