

MAINE STATE LEGISLATURE

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October 30, 1973

Nicholas L. Caraganis, Director

Personnel

George C. West, Deputy

Attorney General

P.L. Chapter 500, "Maine Educational Leave Act"

For some reason, I cannot find in this office the original memo from you dated September 5, 1973 on the above subject. We have a record that this matter was referred to me, but I can find no further record. I do recall the situation and I think perhaps it was settled by a telephone call, but it might be well to put an answer in writing.

It is not possible to answer your question as asked. However, let me answer it by explaining the law. Public Laws 1973, Chapter 500, which added Chapter 60 to Title 5, provides in § 723 that an Educational Leave Advisory Board shall advise and consult with the Department of Personnel and authorize all educational leave for more than one week. It further provides for the Board to make rules and regulations establishing procedures for applying, processing and granting of educational leave and maintaining a register of such leave.

Section 725 provides that no state funds shall be used or appropriated for educational leave nor shall any employee of the state be compensated with state funds for educational purposes for more than one week unless leave is approved by the Board.

In other words, in order for a state employee to have educational leave of more than one week, he must make application to the Educational Leave Advisory Board. In order for him to receive state funds, he must have the Board's approval.

George C. West
Deputy Attorney General

GCW:H

NOT A FORMAL OPINION