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April 23, 1974

W. G. Blodgett, Executive Director

Retirement System

Charles R. Larouche, Assistant

Attorney General

Scope of word "Supervisor" within 5 M.R.S.A. § 1001, subsection 25

This replies to your memo of April 1, 1974, concerning the scope of the word "supervisor" as used within the definition of the word "teacher" in subsection 25 of 5 M.R.S.A. § 1001.

I understand your question to be whether or not the word "supervisor" as therein used includes school employees whose work is unrelated to overseeing teachers and students. The answer to that question is negative.

5 M.R.S.A. § 1001, provides:

"10. Employee. 'Employee' shall mean any regular classified or unclassified officer or employee in a department, including, for the purposes of this chapter, teachers in the public schools,"

Subsection 25 of that section defines the word "teacher" to mean:

"'Teacher' shall mean any teacher, principal, supervisor, school nurse, school dietitian, school secretary or superintendent employed in any public school, including teachers in unorganized territory."

It is clear that the word "teacher" is intended to have a broad application. But it is equally clear that it is not intended to include all employees of a public school, for if that had been the legislative intent, the word "employee" would have been substituted for the word "teacher" in the phrase "teachers in the public schools."

It is apparent that the word "supervisor" is used in connection with the titles of other school officials who either oversee students or oversee teachers or oversee both students and teachers. Hence, the word "supervisor" seems to be used as a general term to include other officials who are in a capacity similar to the other more specifically identified categories.

I understand that the Retirement System has for many years followed such an interpretation of the term "supervisor." Such a contemporaneous, long-standing, administrative interpretation is entitled to considerable weight, and is customarily accepted by the judiciary, unless clearly wrong.

I find no reason to disagree with the System's long-standing construction of this word.

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