

MAINE STATE LEGISLATURE

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March 3, 1942

To Harry V. Gilson, Commissioner of Education
Re: Legal Advice

The office of the Attorney General cannot act as legal adviser for towns or local school boards. They have their own legal set-up. There is an impression among many persons that the office of the Attorney General is a bureau of public information and that the Attorney General's department can and will furnish free legal advice to all public institutions and all subdivisions of the State. Such is not the case. We are expressly restricted by statute as to legal opinions. These can be given only to the Governor and Council, the two branches of the Legislature and heads of State departments.

What we are forbidden by law to do directly, we cannot do indirectly. You will be receiving requests for legal opinions from superintendents of schools and from school boards. You are not responsible for distributing legal information to these people. They have attorneys in their own communities to whom they can go and, for a reasonable fee, can obtain the information they need. The State has not yet set up a salaried legal adviser for the towns and cities and it is very probable that, if the matter were put up to the Legislature, any such request would be refused.

They will try to get free legal advice from this department through yourself. It is my desire that every request for information on legal matters filed by you shall be answered promptly. However, I must depend on you to protect me in this particular matter, so that your department will not unwittingly become a clearing house for questions which the municipalities should address to their local attorneys.

Frank I. Cowan
Attorney General

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