

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1943--1944

ance companies and the persons with whom they do business. If the conduct of a company has been such that in the opinion of the Insurance Commissioner it is unsafe for any person to deal with that company, then the Commissioner may very well be justified in interfering. I have a private opinion as to whether or not, in the case to which you refer in your memorandum of August 6th, the company should pay the claim in American or Canadian funds; but that private opinion is based purely on what little evidence has been laid before me, which is by far insufficient on which to make a judicial decision. Even if I had a definite opinion, based on sufficient evidence, it would be an impertinence on my part to express it in this particular case. The only proper place to take such questions is the court. Any attempt by a State or Federal department to tell a business concern how it shall operate, under conditions such as those which you have stated to me, would be tyranny of the worst sort. It is true that in the Federal Government at least, there is a very pronounced trend toward directing the internal affairs of all business concerns. That trend is undemocratic and savors of either Communism or Nazism, which in substance are not very different.

FRANK I. COWAN

Attorney-General

August 17, 1943

Harry V. Gilson, Commissioner

Education

You ask for an interpretation of Section 64 of Chapter 19, R. S. 1930, as amended. The particular part of said section is the next to the last sentence, which reads as follows:—

“Provided, however, that said committee, by a majority vote of its full membership, after due notice and investigation, may, for cause, discharge a superintendent of schools before the expiration of the term for which he was elected, and after such discharge the salary of said superintendent shall cease.”

“Said committee” is the joint committee.

In answer to your question 1, it is the opinion of this Department that the answer is “No.” It was not the intent of the law that a majority of one superintending school committee should control the total votes of that committee. The sentence quoted above presupposes that the discharge shall be only on majority vote of the full membership of the joint committee. To allow the total number of votes of one superintendent committee to be cast in accord with the majority results in cancellation of dissenting minority votes and defeats the intent of the law.

It is the opinion of this department insofar as the mechanics of voting are concerned that the answer to question 2 is “Yes.”

FRANK A. FARRINGTON

Deputy Attorney-General