

# MAINE STATE LEGISLATURE

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STATE OF MAINE

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REPORT

OF THE

ATTORNEY GENERAL

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for the calendar years

1943--1944

authorizing one member to act for the whole committee, and that in proceedings to discharge a superintendent the vote of the City of Belfast cannot be cast by one member who has been designated for that purpose by a simple majority vote of his school committee. If the "votes" can be cast by one member so selected, then it is my opinion that he must record the "votes" of each member of the superintending school committee which he is representing, so that in this particular instance, where the record shows that there were recorded against Mr. Read 11 votes from Belfast, the record should have been 7 votes from Belfast against him and 4 votes for him. On this interpretation he would have received 4 votes from Belfast and 3 from Searsport in his favor, a total of 7 votes, and 7 votes would have been cast by members of the Belfast board against him, so that a tie would have resulted. Inasmuch as the statute expressly provides that a discharge must be "by a majority vote of its full membership," it is necessary to hold that Mr. Read has not been discharged as superintendent of schools of the Belfast-Searsport School Union and is still authorized to carry on the functions of his office.

Very truly yours,

FRANK I. COWAN

Attorney-General

N. E. The City of Belfast refused to accept the above opinion and took the matter to Court. The Court upheld the position of the Attorney-General.

August 24, 1943

J. A. Mossman, Commissioner

Finance

I have your memo of August 9th asking the following question:

"Would it in your opinion be proper for the Governor and Council to advance general funds of the State to the Maine State Office Building Authority to cover such preliminary expenses as are necessary?"

The statute (P. & S. 1941, Chapter 76) provides for a building which will in the course of time pay for itself. Inasmuch as there is no money available for the preliminary expenses, it will be proper to make advances from the general funds of the State and repay the general funds from the income of the building. This, it seems to me, is a different situation from that which arises when there is an authorization of general expenditure with no provision of funds for payment. Under the latter circumstances, since there is no provision for amortization of moneys spent, it is necessary to go to the contingent fund.

I think there is no difference in procedure between the State House Building Authority Act and the Turnpike Authority Act. The Turnpike Authority Act simply authorizes that which would be a necessary procedure in any case.

FRANK I. COWAN

Attorney-General