

# 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

thereby tacitly authorize those who do attend to do the voting for the town. I doubt if one voter would have the right to hold a meeting all by himself; but if a sufficient number congregate to elect the necessary officers for holding a meeting (provided the regular town officers are not present) I see no reason why the meeting should not be a legal one.

The only mention of a minimum number of voters in connection with a town meeting that I have noticed is R. S. Chapter 5, Section 4, as amended by the Public Laws of 1933, Chapter 198. This provides that not less than 10% of the voters registered in the biennial State election then last past, or in any case, *not less than ten registered voters*, may apply to a justice of the peace and have a special meeting called. It is possible that our courts might interpret that as setting a minimum number of voters for a town meeting. That, however, is a question for the courts, and any expression of opinion on my part would be without legal value.

You understand, of course, that the Attorney-General is not, under the law, attorney for the town of Perry and that the above reply is simply as a matter of courtesy. Under the law the Attorney-General can act as adviser to the Governor and Council, the two branches of the legislature, and heads of State departments.

Very truly yours,

FRANK I. COWAN  
Attorney-General

May 11, 1944

Harry V. Gilson, Commissioner of Education

I have your memo of April 18th in regard to school board members who contract to teach in the same town or union.

It seems to me that a proper procedure is as follows:

- 1) Assume that the office of member of the school board and the office of teacher under that board are so incompatible that the acceptance of the position as teacher automatically vacates the position of member of the school board.
- 2) Advise the remaining members of a school board to fill the vacancy.
- 3) In case the teacher-member insists that he is still a member of the school board and the other members hesitate to elect someone to fill the vacancy, due to their fear of creating confusion and uncertainty, you have authority to instruct the local superintendent that State funds will be withheld while that teacher is occupying the dual position.

The statutes seem to be explicit on the subject of committee members being employed as teachers. There seems to be no discretion left in the Department of Education on this particular subject.

FRANK I. COWAN  
Attorney-General

June 6, 1944

Guy R. Whitten, Deputy Commissioner of Insurance

*Subject: Admission of Ohio Casualty Insurance Company*  
With reference to your memo relating to the application of the Ohio