

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1945-1946

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Second. The meeting called by Mr. Cheney was held on the following day and was attended by the five members comprising the school committee of the City of Biddeford. Any action that this committee took, in so far as the attempt to name a superintendent is concerned, would be ineffective, since five would not constitute a quorum for the transaction of business. The committee being composed of eleven members, any legal action to be taken by this committee would require the attendance of at least a majority of the membership, which is a minimum of six.

Third. The future action, therefore, to be taken by you is to notify the various members composing this joint committee that there was no choice of a superintendent as a result of the meetings that were held on June 25th and June 26th, and, no legal election having been had on or before June 30th, that they should proceed to call a meeting to name an agent, unless they shall elect a superintendent or agree on the naming of a person to act as superintendent and upon all the other terms set out in the statute with relation to time and the proportionate part of the salary that each is to pay.

ABRAHAM BREITBARD
Deputy Attorney General

July 2, 1946

To E. L. Newdick, Chief, Division of Plant Industry

Receipt is acknowledged of your letter of June 28th, relating to the Woodman Potato Company, Presque Isle, which company is now in receivership. You say that the company, prior to the appointment of the receiver, was indebted to the department in the sum of \$405.50 for inspection work, but that under the statute the company would be entitled to a rebate of \$291.47.

This department advises you that this rebate is to be set off against the indebtedness, which would leave a balance due to the State of \$114.03. Since the company is in receivership, this balance cannot be collected in full, unless the operation by the receiver is successful to the end that creditors will be paid in full. Otherwise, the distribution to the creditors will be according to their proportionate share.

You also advise that the receiver has made application for inspection for the current year. The provisions of the law which would deprive a person who had had inspection work while he was indebted to the department, would not apply in this case. The operation of the company is now in the hands of the court through a receiver, and hence, upon application by the receiver, inspection may not be refused because of a previous indebtedness of the company.

I would suggest, however, that you inquire from the receiver whether the court has authorized the receiver to apply for inspection, as the receiver can only obligate himself to the extent that the court allows him to do so. If he has such a court order, the department may proceed to render the inspection services and bill the receiver therefor.

You may also ask him to apply to the department for inspection.

ABRAHAM BREITBARD
Deputy Attorney General