

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT  
OF THE  
ATTORNEY GENERAL

for the calender years

1961 - 1962

July 10, 1961

To: Mrs. Augusta K. Christie  
Presque Isle, Maine

Dear Senator Christie:

This is in answer to your letter of June 28, 1961, regarding School Administrative District No. 1.

You have inquired as to the constitutionality of the action of the district directors of School Administrative District No. 1 in sending pupils from Presque Isle to a district school in Westfield. The Supreme Judicial Court of Maine has recently ruled in two cases on constitutionality of school administrative districts. In the two cases, *McGary v. Barrows*, 156 Me. 250, and *Elwell v. Elwell*, 156 Me. 503, the court has held the statute regarding school administrative districts to be constitutional. In *Elwell v. Elwell*, supra, the court indicated that a school administrative district is a quasi municipal corporation for educational purposes. Under the Sinclair Law, Revised Statutes of 1954, Chapter 41, Sections 111-I and 111-R, the district directors have the responsibility for the management and control of all of the affairs of the district. Having such control, it would be within their discretion to transport children from one town to another for educational purposes as long as the towns are within the district.

If the residents of the City of Presque Isle are dissatisfied with the action of their directors, the redress of the people reposes in the ballot since the directors are the elected representatives of the people.

If you require any further information on this matter, we will be glad to furnish it.

Very sincerely yours,

FRANK E. HANCOCK  
Attorney General

July 11, 1961

John V. Keaney, Esquire  
85 Exchange Street  
Portland 3, Maine

Dear John:

I have your letter of July 7 asking if I see any conflict between your service as a member of the Industrial Accident Commission and teaching a course at Portland University Law School which is now a part of the University of Maine.

I can see nothing incompatible between the two positions. I feel that it is perfectly all right for you to continue with the arrangements which you have had with Portland University in the past.

Very truly yours,

GEORGE C. WEST  
Deputy Attorney General

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JOHN V. KEANEY  
ATTORNEY AT LAW  
85 EXCHANGE STREET  
PORTLAND 3, MAINE

SPRUCE 5-2663

July 7, 1961

George C. West, Esq.  
Deputy Attorney General  
State House  
Augusta, Maine

Dear George:

Confirming our telephone conversation of today's date, this is to advise that I have been requested to teach a one semester course in ~~the~~ Conflict of Laws at Portland University Law School, as I have done for the past two or three years.

Since the merger of Portland University with the University of Maine as enacted by the last Legislature, I wonder if there would be any conflict with my appointment and service as a member of the Industrial Accident Commission. In the past it has in no way interfered with my duties as a Commissioner but I would not like to go forward without some advice that there is nothing illegal in drawing a salary as an Industrial Accident Commissioner and also as a Professor in a school that has state connections.

Your cooperation in this matter will be sincerely appreciated.

Very truly yours,

  
JOHN V. KEANEY

JVK:mn

RECEIVED

JUL 10 1961

STATE OF MAINE  
DEPT. ATTORNEY GENERAL  
AUGUSTA