

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

REPORT  
OF THE  
ATTORNEY GENERAL

for the calender years

1961 - 1962

"The legislature finds and declares that *public proceedings* exist to aid in the conduct of the people's business. It is the intent of the legislature that their actions be taken openly and that their deliberations be conducted openly." (Emphasis ours.)

From this and the other provisions of this law it may be said in general that any records made as the result of an action or actions taken by the Maine State Board of Nursing are public records.

These records are to be distinguished from records furnished to the Maine State Board of Nursing by other people. Such records furnished to the Board would not be public records, but would be treated as confidential records.

As applied to the situations outlined in your letter, I would say that under item 1, applications, transcript of high school and school of nursing, and letters of reference, would be confidential. The examination records with achievement grades being records made by the Board, would be public records.

Item 2. These items being matters furnished to the Board would not be public records insofar as the Board is concerned. I might state, of course, that any record of prosecution is a public record in the court where the prosecution took place.

Item 3. Character references would, of course, be confidential as they would be records furnished to the Board.

Item 4. It is difficult to determine the status of reports and surveys of the schools upon which their accreditation status is dependent. Here again, I think it depends on whether the reports and surveys are made by the members of the Board, in which case they would be a public record. If the reports and surveys are furnished to the Board by the schools, then the reports and surveys would be confidential. Of course, any determination of accreditation or non-accreditation made by the Board as a result of the reports and surveys would be public records as they are the result of public proceedings transacted by the Board.

I trust that this will assist you in determining what information may be given out by the Board and what information may be withheld.

Very truly yours,

GEORGE C. WEST  
Deputy Attorney General

September 20, 1961

Honorable Welden W. Hanson  
House of Representatives  
Bradford, Maine  
Re: P. & S. Laws of 1961, C. 82

Dear Representative Hanson:

This is in answer to your letter of September 15, 1961, regarding the Bradford School District.

I can well understand your concern with the action of the trustees of the Bradford School District in drilling for water on the school lot, however, the trustees of the district have the authority to manage the affairs of the district

under Section 2 of the legislation authorizing the district. This authority to manage the affairs of the district includes control of the real property.

I note that the trustees have the power to issue bonds and notes not exceeding \$50,000.00 and that the current assets of the Town of Bradford held for elementary school purposes may be turned over to the trustees upon authorization of the voters. If the trustees are expending money received by bonds or notes or monies transferred to the district by authorization of the voters, then the trustees are apparently expending the money within the authority granted in the law. Since the district is a quasi-municipal corporation under Section 4 of the law, the trustees act as a separate entity separate from the Board of Selectmen.

You inquire whether or not injunction proceedings should be instituted against the trustees. Any citizen of the town could initiate such a proceeding but I am very doubtful that a court would interfere with the discretion of the trustees since they have authority to expend money for acquired property for the Bradford School District.

Very truly yours,

FRANK E. HANCOCK

Attorney General

September 22, 1961

To: Harry Henderson, Deputy Treasurer

Re: Unemployment Compensation Funds

Reference is made to your memo of August 31 enclosing photocopies of correspondence with the Travellers Insurance Company together with copy of an opinion from this office dated December 31, 1956.

You ask: "Has any change in legal provisions been made since December 31, 1956 which would alter the opinion issued by Mr. Frost at that time?"

As I understand the situation, there is a new federal program known as the Temporary Extended Unemployment Compensation Act of 1961 (TEC). The Federal Government has asked whether or not the bond of the Treasurer of the State covers funds transmitted to the State by the Federal Government under this Act.

This office confirms the opinion by James Glynn Frost, former Deputy Attorney General, dated December 31, 1956, and advises that this opinion covers the additional funds coming to the State through the new federal program. It is the opinion of this office that the bond of the State Treasurer does cover the funds received under the provisions of the Temporary Extended Unemployment Compensation Act of 1961. I might state that since the opinion of December 31, 1956 the Treasurer's bond has been increased from \$150,000 to \$500,000.

GEORGE C. WEST

Deputy Attorney General