

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

sick leave or vacation accrue after that date. The right to return to state employment in the same department still remains. This latter right must be exercised within 90 days following discharge or retirement from military service.

GEORGE C. WEST

Deputy Attorney General

March 7, 1962

To: Asa Gordon, Coordinator of Maine School District Commission

Re: School Administrative District #3, Legality of Formation

This is in answer to your memorandum of January 22, 1962, proposing certain questions relating to the legality of School Administrative District #3.

Question No. 1: "Is School Administrative District #3 validly organized?"

Answer: Yes. School Administrative District #3 is validly organized under the school administrative district law.

Question No. 2: "If so, are the directors authorized to issue bonds pursuant to the vote taken in March of 1961?"

Answer: Yes.

Question No. 3: "Is this vote effective in authorizing the issuance of these bonds?"

Answer: Yes.

Question No. 4: "Will such bonds be binding obligations on School Administrative District #3?"

Answer: Yes. The bonds will be binding obligations of School Administrative District #3. Litigation pending against the district, *Peavey et al v. Nickerson et al*, will not preclude the issuance and sale of the bonds since the issue in the case now pending in the Superior Court, Waldo County, that is, whether or not the Fourteenth Amendment of the Constitution of the United States requires the Maine School District Commission to give notice and hearing to the inhabitants of the district before issuing the certificate of organization of the district authorized under Section 111-G of Chapter 41, has previously been litigated twice in the courts of this State. The exact issue in question was first litigated in *McGary et al v. Barrows et al*, 156 Me. 250 at page 265; *Elwell et al v. Elwell et al*, 156 Me. 503 at page 506. It is our opinion that the present litigation will not preclude the sale of bonds.

Question No. 5: "Shall we make further payments to School Administrative District #3 as required by sections 236 and 237, chapter 41?"

Answer: Yes. Subsidy may be paid to School Administrative District #3 including construction subsidy under section 237 of chapter 41.

RICHARD A. FOLEY

Assistant Attorney General