

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

April 25, 1962

To: Asa Gordon, Coordinator of Maine School District Commission

Re: Election of School Directors

You have inquired whether or not in the formation of a school administrative district a town should vote to elect certain directors as their representatives when voting whether or not to form the district even though a certificate of organization has not issued from the Maine School District Commission.

The Revised Statutes of Maine of 1954, chapter 41, section 111-F, subsection IV, provides in part as follows:

“ . . . the commission shall order the question of the formation of the proposed School Administrative District and *other questions relating thereto* to be submitted to the legal voters of the municipalities which fall within the proposed School Administrative District. . . .” (Emphasis supplied)

One of the articles required to be voted on in this section is as follows:

“Article : To choose ..... school director(s) to  
Number  
represent the town on the Board of School Directors of School Administrative District No. . . .”

I am of the opinion that the vote to choose directors should be held at the same time as the vote to see whether or not the town will join the district.

RICHARD A. FOLEY

Assistant Attorney General

May 4, 1962

Mr. John P. Harriman  
36 Pitt Street  
Portland, Maine

Dear Mr. Harriman:

I have your letter of May 1 confirming the telephone conversation which we had on April 27th. I also have copies of the letters written to you by Horace P. Bond under date of June 19, 1961 and Richard E. Cutting written April 16, 1962.

The Atlantic Sea Run Salmon Commission met at the State House on May 2 so I discussed this matter with them. I also went over the “Right to Know” law and explained its meaning to them. Normally, this office would not give an interpretation of this law to a private citizen as we are limited by law so that we may give advice and opinions only to the Governor and Council, the respective branches of the legislature, and to department heads on questions of law that affect the State. Because of the situation involved here I feel it is only fair to you and your association that I explain our interpretation of this law.

Public Laws of 1959, chapter 219, adds six new sections numbered 36 to 41 to chapter 1 of the Revised Statutes. Section 37 provides that the term “public proceedings” shall mean the transactions of any function affecting any and

all citizens by any administrative or legislative body of the State or any political subdivision of the State, which body is composed of three or more members. Section 38 provides that all public proceedings shall be open to the public and all persons be permitted to attend any meetings of these bodies or agencies and any minutes of such meeting shall be promptly recorded and open to public inspection except as otherwise specifically provided by statute.

Section 40 provides that every citizen of this State shall, during the regular business or meeting hours of all such bodies and on the regular business premises of all such bodies, have the right to inspect all public records including minutes of meetings and to make memoranda abstracts or photographic or photostatic copies of the records or minutes inspected except as otherwise specifically provided by statute.

There can be no doubt that the minutes of any meetings of the Commission are open to public inspection at their regular business premises in Orono. This would include any reports which are presented to and accepted by the Commission by its vote.

This would not include field notes, data, computations or other material made up by employees of the Commission from which reports are made to and accepted by the Commission. This so-called working material, although not necessarily confidential, is not within the framework of the Right to Know law and, therefore, may or may not be released by the Commission as it sees fit.

In this particular case, if there are any minutes of meetings of the Commission or any reports which the Commission has accepted at its meetings which you wish to see, you have the perfect right to inspect those records at their place of business in Orono during regular business hours. There is nothing in this law which requires a body or agency coming under the law to forward this information to anyone unless it so desires.

If you wish to see the working figures, data, notes or other material used by its employees in arriving at conclusions contained in the reports, it is entirely within the discretion of the Commission as to whether or not it will release this information to any person.

I trust that I have explained this law sufficiently so that there can be no misunderstanding as to its meaning.

Very truly yours,

GEORGE C. WEST  
Deputy Attorney General

May 15, 1962

To: Orville T. Ranger, Administrative Hearing Officer

Re: Travel Expenses

We have your request of May 15th for an opinion with regard to the following questions:

1. Is the Hearing Officer, under Chapter 20-A, entitled to travel expenses on the days he travels to the State House for routine office work?
2. Is the Hearing Officer, under Chapter 20-A, entitled to travel expenses