

# 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

election of directors of the proposed district. Section 111-F, paragraph IV, provides that:

“. . . 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. . . .”

One of the articles required in paragraph IV is to choose school directors to represent the town on the Board of Directors. It is my opinion that the law clearly requires that the directors be chosen when the town votes on whether or not to join the school administrative district.

Very sincerely yours,

RICHARD A. FOLEY

Assistant Attorney General

December 21, 1962

To: Philip A. Annas, Executive Director, Division of Instruction, Education Department

Re: Disposal of Used Textbooks

This is in answer to your memorandum of November 29, 1962, inquiring as to the procedure to be used in disposing of used school textbooks to a charitable organization to be shipped to the Philippines for use in their schools.

The best procedure in this case would be for the school committee to vote authorization for the gift of such used school books to the charitable organization and to send the vote to the municipal officers or city council with the request that they concur in the vote of the school committee.

In this way, both the superintendent of schools and the school committee would be protected against any possible charge of illegal disposition of school property.

RICHARD A. FOLEY

Assistant Attorney General

December 21, 1962

Honorable T. Tarcy Schulten  
Woolwich  
Maine

Dear Tarcy:

I am enclosing a copy of two different opinions rendered by this office on the question of conflict of interests as a member of the Executive Council.

We have examined both opinions and the act creating the Committee on Educational Television. We believe that the reasons advanced and the conclusions reached in each of the opinions equally apply to a member of that Committee.

We, therefore, conclude that a member of the Executive Council cannot at the same time be a member of the Committee on Educational Television.

Sincerely yours,

GEORGE C. WEST

Deputy Attorney General

December 27, 1962

To: Warren G. Hill, Secretary, Maine School District Commission

Re: School Administrative District No. 17

This is in answer to your memorandum of December 21, 1962. You ask whether or not School Administrative District No. 17 through its board of directors has incurred outstanding indebtedness for capital outlay purposes within the meaning of section 111-P of chapter 41, Revised Statutes of 1954, as amended.

It is clear that the participating municipalities of School Administrative District No. 17, Norway and Paris, voted in the affirmative to authorize a bond issue in the amount of \$1,050,000.00 for the construction of a new secondary school in the district and the board of directors made a finding to that effect in the minutes of their meeting of December 17, 1962. The directors of School Administrative District No. 17 at their December 17, 1962, meeting also voted to issue a promissory note in the amount of \$60,000.00 in anticipation of the sale of bonds for the purchase of the Oxford County Fairgrounds as the site for a new school. Such a note in anticipation of the sale of bonds is authorized under section 111-K of chapter 41, Revised Statutes of 1954, as amended. The vote of the directors of School Administrative District No. 17 authorized the note to be signed by the treasurer of the district and countersigned by the chairman of the board of directors. It is apparent from the affidavits of the treasurer and the chairman of the board of School Administrative District No. 17 that the note was in fact executed and delivered to the Norway National Bank.

Section 111-P of chapter 41, Revised Statutes of 1954, as amended, provides in part as follows:

“ . . . No such vote on a petition for dissolution shall be permitted while such School Administrative District shall have outstanding indebtedness. Outstanding indebtedness is defined as bonds or notes for capital outlay purposes issued by the school directors pursuant to approval thereof in a district meeting of such School Administrative District, . . . ”

Based upon the evidence presented to the Commission by the board of directors of the district, it is clear that School Administrative District No. 17 has issued a note for capital outlay purposes, that is, purchase of a school site (See section 237-H of chapter 41 defining “capital outlay purposes” as the cost of acquisition of land for school construction.). Since there is in fact outstanding indebtedness in the District, the vote on the petition shall not be permitted as provided by law.

I am of the opinion, therefore, that any votes on a petition for dissolution