

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

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

in either the town of Norway or the town of Paris would be a nullity and could not be the basis for instituting a vote on dissolution in the District.

RICHARD A. FOLEY

Assistant Attorney General

December 28, 1962

To: Kermit S. Nickerson, Deputy Commissioner of Education
Re: Transportation of Students in Privately-Owned Vehicles

Your memorandum of November 16, 1962, is answered below.

The memorandum states that a request has been made of your department to provide information concerning the liability of teachers and school officials when transporting pupils to school-connected, extra-curricular activities in privately-owned automobiles. You state that you have discussed this matter with the Insurance Department and that that Department advised you to secure an opinion from this office.

We are in accord with the suggestions advanced by your memorandum:

1. That schools should require any person transporting students to school-sponsored affairs to provide proof of liability insurance up to a fixed amount, and
2. That the administrative unit or school provide additional extended coverage similar to that provided by the State of Maine for drivers of automobiles who are reimbursed for travel on state business.

Finally, we concur with you in your recommendation that the administrative unit or school carry adequate insurance protection on driver education vehicles when those which are used for the transportation of teachers and pupils to school-sponsored affairs.

Assistant Attorney General Albert Guy is assigned to the Insurance Department; any requests for opinions concerning matters of insurance may be directed to him through administrators in that Department.

Thank you for your attention.

JOHN W. BENOIT, JR.

Assistant Attorney General

December 28, 1962

To: Walter B. Steele, Jr., Executive Secretary, Maine Milk Commission
Re: Licensing of Foreign Corporation to sell milk within the State of Maine
Your memorandum of December 19, 1962, is answered below.

The Commission has inquired whether a foreign corporation not authorized to do business in this state pursuant to section 128 of chapter 53 of our Revised Statutes of 1954 shall be granted a license pursuant to the Maine Milk Commission Law.

The application for the license by the corporation should not be considered as "doing business" in this state.

"The mere obtaining of a license, to do business in a state is not equivalent to 'doing business' therein. *Hoopeston Canning Co. v. Pink*, 24 N.Y.S. 2d 312, 323." Words and Phrases, "Doing Business."