

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

For The Calendar Years

1963 - 1964

March 15, 1963

To: Asa A. Gordon, Coordinator, Maine School District Commission

Re: Article in Town Warrant Specifying Person who is to Answer Question re School Budget; Designation by Directors that Superintendent Answer Such Questions; Discussion of District School Budget at Town Meeting.

Your memorandum of March 14, 1963, is answered below.

Facts:

A municipality located within a school administrative district has placed the following article in the town meeting warrant:

“To see if the town will approve a motion whereby any questions or discussions about the schools or school budget be solely answered by the School Directors, Prospect.”

Questions:

1. May the elected directors appoint their executive secretary the superintendent of schools to answer all such questions?
2. School budget matters are discussed at the annual district budget meeting. Is it proper to discuss such matters at a town meeting which has no authority as such over district school budget appropriations?

Answers:

1. Question #1 is rendered moot by answer to Question #2.
2. The budget of the school administrative district is not the proper subject of the town meeting.

Reason:

As noted by you in your memorandum, school budget matters are discussed at the annual district budget meeting. Sec. 111-S, c. 41, R. S. 1954, as amended. In view of the existing legislation, a town located in a district lacks legal status to affect the district budget at the annual town meeting.

Section 111-L of chapter 41, Revised Statutes of 1954, as amended, sets forth precisely how the district is to be financed. Note the mandate of our legislature that the approval of the district budget shall be the province of the district voters acting as a body; that district budget approval is not placed on a “town basis.”

Because of the aforementioned reasoning the other question is rendered moot. Even so, we make an observation that in a proper instance, the directors may appoint their executive secretary (superintendent of schools) to speak in their behalf.

I make no determination herein relative to the legality of the article in the warrant allowing a majority of voters to prohibit the minority from voicing expressions at the town meeting.

JOHN W. BENOIT

Assistant Attorney General