

MAINE STATE LEGISLATURE

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January 16, 1968

Honorable Edward A. Harriman
House Of Representatives
State House
Augusta, Maine

Re: Eligibility of Spouse of School Administrative District
Insurance Agent to serve on Board of District Directors -
Me. Rev. Stat. Ann., Tit. 20, § 302 (Supp. 1967).

Dear Representative Harriman:

You have given us the following facts: A woman proposes to seek election to the board of directors of a school administrative district. The district has in the past placed its insurance through her husband's office.

Based on these facts, you inquire: If this woman was elected, would the school administrative district still be able to transact business with her husband in view of Me. Rev. Stat. Ann., Tit. 20, § 302 (Supp. 1967) which reads: "No member of the board of school directors or spouse shall be employed as a teacher or in any other capacity in any public school that comes within the jurisdiction of the board of directors of which he is a member."?

Our answer is: Yes. The statute prohibits spouses of school administrative district directors from employment within the district. The spouse in question here, when soliciting and attending to the insurance business of the district, is not an "employee" of the district as that term is generally used. He receives no salary from the district nor are his employment and tenure controlled by the district. He is, rather a self-employed independent contractor engaged in his own business - the selling of policies of insurance to the public at large. His earnings are received from the companies whose policies he sells.

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We conclude that the cited statute, standing by itself, does not bar the school administrative district in question from continuing to place its insurance through the office of the husband of one of the district directors.

Respectfully,

Robert G. Fuller, Jr.
Assistant Attorney General

RGFjr/elf