

# MAINE STATE LEGISLATURE

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December 4, 1968

The Honorable Walter A. Birt  
East Millinocket  
Maine

Dear Walter:

I have your letter of December 3 inquiring about the matter of the School Committees and/or School Directors granting personal days off for school personnel. I do not want to get this office in the middle of a controversy between the authority of the School Committees and/or School Directors, and the Superintendent of Schools. I assume that this is the problem which you have raised.

Actually, I know of no law relative to this particular matter. I would assume that normally a school committee or directors would lay down general policies relative to leaves and the local superintendent would administer those general policies. I would assume that the school committee and school directors would not be involved with individual teachers as to leave time.

Actually, I do not think this is a legal problem as much as it is a matter of proper administration.

We have received Justice Webber's decision on the matter of an Augusta school teacher running for the Augusta City Council. The matter will not be appealed to the Law Court. The school teacher has accepted the decision.

Justice Webber ruled that there was no problem insofar as the Augusta City Charter was concerned. He did rule that the school teacher could run for the City Council. However, he further stated

that if elected and it came time to renew his contract, that he could not do so because any contract made with the City would be void because of the provisions of 30 M.R.S.A. § 2251, which reads in part:

"Certain proceedings of municipalities and municipal officials are void and actionable according to the following provisions:

\* \* \* \* \*

"2. Contracts. A contract, other than a contract obtained through properly advertised bid procedures, made by a municipality during the term of a municipal official who has a direct or an indirect pecuniary interest in it is void."

I hope that I have answered your questions satisfactorily.

Sincerely yours,

George C. West  
Deputy Attorney General

GCW:H