

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

For the Years
1967 through 1972

statute defines the criteria for approval. In any event, your question raises no issue of state law cognizable by this office.

QUESTION NO. 8:

Me. Public Laws 1969, c. 499, § 6 states in part:

“ . . . [W]hen the Legislature is not in session, the Governor and Council may authorize the commission to advance planning funds authorized by subsections 2 and 3, not in excess of \$50,000 to any one municipality or quasi-municipal corporation.”

Does this language mean that under subsection 2, \$50,000 could be advanced, and an additional \$50,000 could likewise be advanced under subsection 3?

ANSWER NO. 8:

We decline to answer Question No. 8 because it does not appear from the statute that an answer would in any way be of assistance to the EIC in performing its statutory duties. The authorization to the EIC to make the advance would come from the Governor and Council. They would be the only parties called upon to decide the question you have asked.

CROSS REFERENCES

Eligible planning costs, see opinion dated December 12, 1968.

Grants for unspecified “planning” not authorized, see opinion dated October 3, 1968.

ROBERT G. FULLER, JR.
Assistant Attorney General

December 16, 1969
Education

William T. Logan, Jr., Commissioner

SYLLABUS:

The State Board of Education has no jurisdiction or control over the State Principals' Association.

FACTS:

The State Principals' Association is a nonstock corporation organized February 21, 1952 under what is now 13 M.R.S.A. § § 901-986. The purposes set forth in the certificate of organization, which has not been amended, read as follows:

“To promote the best interests of the secondary schools of Maine; to encourage cooperation, professional efficiency and good fellowship among its members; and to regulate all interscholastic activities in secondary schools.”

Apparently prior to 1952 there was an unincorporated association. From 1921 to 1967 a member of the Department of Education served as Executive Secretary. Since 1967 the Association has paid for a full-time Executive Secretary.

It is fair to state that the Department of Education exercises no control over the Association. It is common knowledge that the Association is concerned with so-called

extracurricula activities of public secondary schools.

QUESTIONS:

1. Does the State Board of Education have any jurisdiction and control over the policies and activities of the State Principals' Association?
2. Does this Association have the legal right to operate in accordance with its constitution and bylaws?

ANSWERS:

1. No.
2. Yes.

REASON:

We must look into the statutes to see if any governmental agency is given power to supervise and control this type of corporation. We are constantly aware of governmental supervision or limitation of the activities of corporations. The legislature has the authority to give supervision or some control of private corporations, within well defined limits, to a governmental agency.

We must look at the education laws (20 M.R.S.A.) to see if such a corporation is within the jurisdiction of the State Board of Education. We can find nothing in Title 20, Education, which gives the State Board any jurisdiction or control over extracurricula activities of students in the public schools. As a matter of fact, the statutes appear to contain little or no reference to such activities in the public schools.

Even those sections devoted to the powers and duties of superintendents (20 M.R.S.A. § 161) and school committees (20 M.R.S.A. § 473) do not even hint at the existence of extracurricula activities in public schools.

Lacking any reference to such activities, we must conclude that the first question shall be answered in the negative. The second question, insofar as it relates to jurisdiction and control by the State Board of Education, is answered in the affirmative.

GEORGE C. WEST
Deputy Attorney General

December 16, 1969
Environmental Improvement
Commission

Donaldson Koons, Chairman

Incompatibility of offices

SYLLABUS:

A member of the Environmental Improvement Commission maintaining a private engineering practice, employed by a municipality, and appointed under 38 M.R.S.A. § 361 to represent municipal interests, is not disqualified from serving on the commission, but must disqualify himself from participating in proceedings before the commission which involve his employer or his clients.