

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

30 M.R.S.A. 2251  
20 M.R.S.A. 302

10 F

March 19, 1976

Senator Alton E. Cianchette  
State House  
Augusta, Maine 04333

Dear Chuck:

This is in reply to your letter to me of March 16. The question posed in that letter, in brief, was whether a teacher who lives in one School Administrative District and teaches in another, can also serve on the school board of the district in which he lives.

We see no violation of statutes with such a situation. The two statutes which have a bearing on the question are 30 M.R.S.A. § 2251, relating to conflicts of interest of municipal officials and 20 M.R.S.A. § 302 relating to election of school boards.

Section 302 relating to elections of school boards provides, in part,

"No member of the Board of School Directors or spouse shall be employed as a full time employee in any public school that comes within the jurisdiction of the Board of Directors of which he is a member."

This provision expressly prohibits membership by teachers on school boards of the district in which they teach. By implication it permits teacher members on boards of districts other than that in which they teach.

Further, there is no inconsistency with the provisions of 30 M.R.S.A. § 2251 which renders null and void votes or contracts in which a municipal official has a direct or an indirect pecuniary interest. There is no direct or indirect financial reward to the teacher-school board member as a result of such a teacher contract in a district where he is not employed.

Senator A. Cianchette

Page 2

March 19, 1976

The only effect of the contract might be a basis of comparison for negotiations in the district where the teacher is employed. Such a precedent is not sufficient or indirect pecuniary interest to be affected by the provisions of 30 M.R.S.A. § 2251. We note further there may be some question of the extent to which Section 2251 which refers to "municipalities" applies to School Administrative Districts. For the purposes of this opinion, we assume that it does.

Sincerely,

JOSEPH E. BRENNAN  
Attorney General

JEB:jg