STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1949 - 1950

was posted in the office of a canning company stating that the employees who refused to sign a petition to reduce taxation on the company would be cut in wages 5c per hour and 2c per case. Letters of complaint in this regard do not state what the town did at the meeting about abatement of taxes.

As you know, all taxes must be assessed equally on property according to the just value thereof, under our Constitution, and any abatement by the town would be illegal and would be contested by citizens of the town.

We have no statute in Maine which covers this particular peculiar situation.

RALPH W. FARRIS
Attorney General

August 10, 1949

To H. A. Ladd, Commissioner of Education
Re: School Property

I have your memo of August 5th, in which you state that during the legislative session you discussed with me the proper disposition of schools which have been officially closed on recommendation by the superintending school committee and vote of the town, but we agreed to postpone formal decision in deference to more pressing problems. The subject had come up in connection with an issue at Harpswell and with questions asked by Superintendent Frank E. Drisko of Union No. 29. You now ask the following questions:

"1. May a town suspend school in a particular building annually, thereby deferring formal closure?"

Answer. Yes.

"2. What are the rights of the town and of the heirs in the instance of a closed school which was built on land, the deed for which includes a reversion clause?"

Answer. The town and the heirs have no rights in the land, as all reversion clauses in deeds state, "When the land is no longer used for school purposes, it shall revert to the original grantor," or words to that effect. Suspending a school annually is not an abandonment of the school building or the school land within the meaning of the law.

"3. Can the town hold the property indefinitely by utilizing the building for storage and related purposes?"

Answer. The town cannot hold the building indefinitely when it has been abandoned by the school authorities for school purposes, if there is a reversion clause in the deed granting the land for school purposes. This is a case where the heirs have some rights to come in after the property has not been used for school purposes for a long period of time and the facts will warrant a general closing of the property for school purposes.

If you will consult Section 8 of Chapter 37, R. S., which provides for the location of any school legally established prior to the 17th day of March, 1893, to continue unchanged, notwithstanding the district is abolished; but any town at its annual meeting, or at a meeting called for the purpose, may determine the number and location of its schools, you will find a provision that such discontinuance or change of location shall be made only on the written recommendation of the superintending school committee on conditions proper to preserve the rights and privileges of the inhabitants for whose benefit such schools were established; provided, however, that in case any school shall hereafter have too few scholars for its profitable maintenance, the superintending school committee may suspend the operation of such school for not more than 1 year, but shall not close such school for a longer period nor again thereafter suspend operation of such school unless so instructed by the town, etc., etc.

So, after the superintending school committee has suspended the operation of any school for more than one year, it cannot suspend operation again, unless instructed by the town at town meeting; and after the school has been suspended definitely by the superintending school committee, the responsibility for the closed school and the transfer of the property devolves upon the municipal officers of the town that owns the school building and land.

RALPH W FARRIS
Attorney General

August 11, 1949

To Marion E. Martin, Commissioner of Labor and Industry
Re: Reconciliation of Inconsistencies in Chapter 290, P. L. 1949

I received your memo of August 8th, stating that Section 7 of Chapter 290, P. L. 1949, provides a 50-hour week for production workers in certain establishments and that Section 6 which you describe as a limitation on the number of hours per day which women may work in the enumerated establishments, in the last sentence thereof states, ". . in no case shall the hours of labor exceed 10 hours in any 1 day or 54 hours in any 1 week." The contradiction, you state, is between the 54 and the 50 hour limitations on the hours which women may work, and on the foregoing statement of facts you ask the following questions:

"Are we justified in interpreting Section 6 in the light of Section 7 by saying that the 54-hour statement in Section 6 would not take precedence over Section 7?"

You then ask me to note that this section is more or less explanatory, and in answer I will say that I do not know what you mean by saying that Section 6 is more or less an explanatory note and not a major portion.

Section 22 of Chapter 25, R. S., permitted the 54 hours in any one week, and the amendment in Section 6, Chapter 290, P. L. 1949, does not change the old law which permits 9 hours in any one day and in no case shall the hours of labor exceed 10 hours in any one day or 54 hours in any one week.