

MAINE STATE LEGISLATURE

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C.R. - 4-9-64

No

January 25, 1952

To Harland A. Ladd, Commissioner of Education
Re: Teachers' Contracts - Section 78, Chapter 37, R. S. 1944

In your mem of January 21, 1952, you ask whether or not a certain regulation adopted by the Town of Fairfield in is conflict with Section 78 of Chapter 37, R. S., as amended.

The Town of Fairfield several years ago adopted the following regulation for the employment of teachers:

"Retirement from the Fairfield school system at age 60 shall be compulsory on September 1 following the teacher's birthday, except in instances where the superintending school committee may issue one-year contracts to distinctly superior teachers."

Chapter 203 of the Public Laws of 1951 amended Section 78, subsection V of Chapter 37m R.S., and provided that after a probationary period subsequent contracts of duly certified teachers shall be for not less than 2 years. . .

When the question is asked if the regulation of the Town of Fairfield is in conflict with Section 78 of Chapter 37, we assume it is being asked what effect subsequent contracts for the two-year periods have on such a regulation.

Without answering that question directly we should like to point out that Chapter 384 of the Public Laws of 1947 is An Act to Provide a Retirement System for State Employees, and that such Act contemplates embracing teachers. This Act provides that teachers may retire at age 60 and must retire at age 70. See Section 6-A, paragraphs A and B. It is our opinion that with the enactment of Chapter 384 the State of Maine has pre-empted the field of retirement with respect to teachers, that the laws of the State of Maine are paramount, and that all rules and regulations pertaining to teachers made by municipalities must be consistent with the Maine laws relating to the same field.

For these reasons we do not feel free to render opinions relative to the method of issuing contracts to teachers under the Fairfield regulations other than to state that Chapter 37, Section 78 shall be followed literally and that the question with which we have been presented with respect to contracts immediately prior to retirement shall be answered when a similar problem is presented with respect to the retirement of a teacher under the laws of the State of Maine.

James G. Frost
Assistant Attorney General

jgf/c
cc: Mr. Bailey; Mr. Scott