

MAINE STATE LEGISLATURE

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July 7, 1958

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To Kermit Nickerson, Deputy Commissioner of Education
Re: Closing of School in Sandy River Plantation

The facts given to me indicate that the school in Sandy River Plantation was closed in the years 1921 and 1922. A review of the Revised Statutes of 1916 and the Public Laws for the years thereafter until the time that the school was closed shows that the same wording of the statute has been used in that period.

Section 2 of Chapter 16 of the Revised Statutes of 1916 provides:

" . . . 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 one year unless otherwise instructed by the town. . ."

The present statute, Section 44 of Chapter 41 of the Revised Statutes of 1954, does not apply retroactively, since there is no intent to do so in the statute. As a general rule, laws should never be considered as applying to cases which arose prior to their passage, unless the legislature has clearly declared such to be its intent. See Bowman v. Geyer, 127 Me. 354, and Moore vs. Fallon, 134 Me. 148.

Therefore, it would be my opinion, since the statute does not operate retroactively, that they may legally suspend the operation of the school under the provisions of Section 105 of Chapter 41, R. S. 1954.

Section 105, Chapter 41, provides that an administrative unit not maintaining a free high school may authorize its superintending school committee to contract for the education of its students. There is no authorization which I have been able to find in the statutes for the superintending school committee to contract without the approval of the town.

Therefore I would, in answer to your second question, state that there has to be a vote of the town in order to contract for the education of its children in the Town of Rangeley.

George A. Wathen
Assistant Attorney General

gw/c