

MAINE STATE LEGISLATURE

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September 17, 1963

Warren G. Hill, Commissioner

Education

Frank E. Hancock

Attorney General

P & S Laws, 1963, c. 175

Your memorandum of June 3, 1963, is answered below.

FACTS:

The 101st Maine Legislature enacted a Private and Special Law entitled "An Act to Provide for the Reorganization of School Administrative District No. 3," Chapter 175, P & S Laws, 1963.

QUESTIONS:

Because of the plural number of questions and the attending possibility of confusion arising from but one joint discussion thereon, we present each question with a separate reasoning for the attending answer.

QUESTION #1:

Who pays for the education of the pupils in Brooks, Liberty and Monroe during the month of September, 1963?

ANSWER:

The School Administrative District is responsible for the education of the pupils in the three towns mentioned.

REASON:

The Act contains the following material language:

"Sec. 4. Termination of responsibility for education of pupils in towns removed: superintending school committee. Effective October 1, 1963, the responsibilities, duties, and liabilities of School Administrative District No. 3, as reorganized, for the education of pupils of the Towns of Liberty, Brooks and Monroe shall terminate, on which date the responsibilities, duties and

liabilities for the education of pupils within said Towns of Liberty, Brooks and Monroe shall be vested in each of said towns individually as provided by the Revised Statutes governing education of the pupils in individual municipalities.

The School Administrative District performs its duties up to date of October 1, 1963; and thereafter the superintending school committees of the three towns take over the responsibility.

QUESTION #2:

If a teacher holds a contract with School Administrative District #3 to work in Brooks, Liberty or Monroe and none of the Towns require her services after October 1, 1963, who is liable? Is the teacher out of work and without income?

ANSWER:

For the reasons stated below we respectfully decline to answer the question.

REASONS:

We do not have the teachers' contracts before us so as to know the terms of employment. Though we would know such contract terms yet we could not give our opinion concerning a matter between the district and the teachers with which it has contracted. The question is one for the district to its legal counsel as a local matter.

QUESTION #3:

The provision providing for a new school supervisory union is in conflict with general law, chapter 41, section 77. Does the applicable section of the Act (§ 8) mean that the commissioner and state board may not regroup these towns into other school supervisory unions in the future?

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ANSWER:

P & S Laws of 1963, c. 175, § 8 contains no language prohibiting the application of R. S. 1954, c. 41, § 77, to the school supervisory union created by the Act. Those statutory duties held by the Commissioner concerning existing school supervisory unions will be applicable in the future, to the union to be organized by the Act.

QUESTION #4:

May the State Board approve construction aid to a school administrative district when said district has exceeded its statutory debt limit, 12% of state valuation?

ANSWER:

For the reasons stated below we respectfully decline to answer the question.

REASON:

Presently, the question is moot; P. & S. Laws of 1963, c. 175, has not yet taken effect.

QUESTIONS #5 THROUGH #10, INCLUSIVE.

Because P & S Laws of 1963, c. 175, has not yet taken effect and because there presently exists litigation in Waldo County Superior Court challenging the constitutionality of the Act we respectfully decline to answer these questions for the reason they are moot.

Respectfully submitted,

FRANK E. HANCOCK
Attorney General

JOHN W. BENDIT
Assistant Attorney General