

MAINE STATE LEGISLATURE

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April 17, 1964

Earle R. Hayes, Executive Secretary

Maine State Retirement System

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Status of Ashland Community School District

FACTS:

Our Legislature, in 1963, enacted legislation entitled "An Act to Authorize the Municipalities of Ashland, Garfield Plantation and Portage Lake to Suspend the Operation of Ashland Community School District and Reorganize as a School Administrative District." P. & S. Laws, 1963, c. 153. The emergency preamble of the Act stated, inter alia, that "it is in the best interest of the area to suspend the operation of Ashland Community School District which has no outstanding indebtedness." The Act authorized the Maine School District Commission "to proceed pursuant to said Chapter 41, sections 111-E-1 to 111-V-1, to take the necessary action to allow said municipalities to form a School Administrative District." The enumerated municipalities were also authorized (in the Act) to proceed to form a School Administrative District. The Act contains the following matter:

"Upon formation of the School Administrative District, said Ashland Community School District shall cease to have any responsibility for the education of the pupils of said Ashland Community School District. Upon formation of the School Administrative District, Nashville Plantation shall assume full responsibility for the education of its pupils in grades 8 to 12."

The Maine School District Commission issued a certificate of organization, setting the operational date at November 29, 1963. R. S., c. 41, § 111-G.

The Maine State Retirement System has recently contacted the Social Security Administration (Boston Office) to secure a partial termination of the Maine agreement with the Secretary of Health, Education, and Welfare concerning the employees of the Ashland Community School District.

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QUESTION:

Whether the Ashland Community School District has ceased to exist as an entity?

ANSWER:

Yes.

REASON:

The Act incorporates Section 111-F of Chapter 41, Revised Statutes, wherein the Legislature has authorized existing community school districts to suspend operation and become school administrative districts. P. L. 1963, c. 153 does not provide for a "holding over" by the community school district. Note that the Act returns to Nashville Plantation the "full responsibility for the education of its pupils in grades 8 to 12" upon the formation of the school administrative district. The Act evidences an intention that the community school district be replaced by the school administrative district. The issuance of the certificate of organization by the School District Commission is "conclusive evidence of the lawful organization of the School Administrative District." R. S., c. 41, § 111-G.

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