

MAINE STATE LEGISLATURE

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October 6, 1978

Honorable Robert M. Farley
45 Myrtle Street
Biddeford, Maine 04005

Honorable James K. McMahon
Box 125
Kennebunk, Maine 04043

Re: Legislative Dissolution of a School Administrative District.

Dear Senator Farley and Representative McMahon:

This is in response to your September 19, 1978, letter inquiring as to whether the Legislature can "authorize the dissolution of a school administrative district and the apportionment of its assets and debts between its member municipalities by a private and special act applicable only to a particular district." It is my opinion that the Legislature can enact the legislation necessary to accomplish such a purpose notwithstanding the provisions of Title 20 M.R.S.A. § 222 which set forth the statutory mechanism for dissolving a school administrative district.

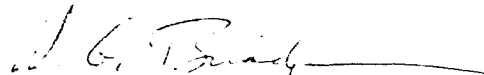
Pursuant to M.R.S.A. Constitution, Article IV, Part Third, Section 1, the Legislature "have full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of the State, not repugnant to this Constitution, nor to that of the United States." In short, the legislative power is absolute and all embracing except as restricted by the Maine Constitution or the United States Constitution. Ross v. Hanson, 1967 Me., 227 A.2d 606; Baxter v. Waterville Sewage District, 1951, 146 Me. 211, 79 A.2d 585. Therefore, the fact that 20 M.R.S.A. § 222 sets forth the means by which a school administrative district may dissolve, it is not controlling upon the Legislature's authority to enact separate legislation regarding the dissolution of a particular district. In fact, a school

administrative district is a quasi-municipal corporation which owes its existence to the legislative will and the Legislature may in its discretion abolish or dissolve that district at any time. Kelley v. Brunswick School District, 1936, 134 Me. 414, 187 A. 703.

Obviously, any legislation enacted to accomplish the dissolution of a school administrative district must adhere to constitutional limitations such as M.R.S.A. Constitution Article I, Section 11, which prohibits the passage of a law which would impair the obligation of existing contracts.

If you should have any other questions regarding this matter, please feel free to contact me.

Respectfully yours,



WALDEMAR G. BUSCHMANN
Assistant Attorney General

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