

# MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

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SENATE

NO. 38

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In Senate, Jan. 28, 1919.

Came from the House referred to the Committee on Education and on motion by Senator Walker of Somerset laid on the table for printing pending reference to a committee, and 500 ordered printed.

P. F. CRANE, Secretary.

Presented by Mr. Pattee of Harmony.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND  
NINE HUNDRED AND NINETEEN

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AN ACT Relating to Schooling in Unorganized Territory.

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Be it enacted by the People of the State of Maine, as follows:

Section 1. I. All children between the ages of five and  
2 twenty-one years who reside with a parent or legal guar-  
3 dian in unorganized territory within this state (within the  
4 meaning of this act unorganized territory shall include all  
5 territory not a part of any city, town or plantation, and an  
6 unorganized unit shall be any unorganized township, gore,  
7 strip, tract, surplus, point, patent, peninsula, island, dis-  
8 organized town or plantation, or any other distinct and

9 separate portion of unorganized state territory) shall be  
10 entitled to school privileges which shall be provided under  
11 the direction of the state superintendent of public schools  
12 under such rules and regulations as may be made from  
13 time to time by him and approved by the governor and  
14 council.

II. Elementary school privileges may be provided by the  
2 state superintendent of schools by establishing and main-  
3 taining in the unorganized territory such elementary  
4 schools, the minimum school year of which shall be thirty  
5 weeks, as may seem advisable and by sending such chil-  
6 dren to elementary schools anywhere within the state as  
7 tuition pupils as he may deem expedient. All children so  
8 sent by the state superintendent as tuition pupils to any  
9 public elementary school in the state shall be admitted by  
10 the school authorities having charge thereof upon receiv-  
11 ing notice of such intention from the state superintendent  
12 or any of his duly authorized agents and they shall be en-  
13 titled to all privileges and benefits, and be subject to the  
14 same rules and regulations as children residing in the mu-  
15 nicipality to which they are sent; tuition shall be paid by  
16 the state for said pupils in accordance with the proportional  
17 cost per pupil of the school attended unless a rate of tui-  
18 tion is otherwise agreed upon; transportation or board, in  
19 full or in part, may be paid for such pupils at the discretion  
20 of the state superintendent.

III. Any youth who resides with a parent or legal guar-

2 dian in the unorganized territory of this state and who may  
3 be judged by the state superintendent qualified to enter a  
4 secondary school may attend any such school in the state  
5 to which he may gain entrance by permission of those hav-  
6 ing charge thereof, provided said school shall be of stand-  
7 ard grade approved by the state superintendent of public  
8 schools. In such case the tuition of such youth not to ex-  
9 ceed forty-five dollars annually shall, provided a satisfac-  
10 tory standard of scholarship and deportment is maintained,  
11 be paid by the state under such rules and regulations as  
12 may be made by the state superintendent.

IV. Special arrangements may be made to provide ele-  
2 mentary school privileges in cooperation with the United  
3 States government for a child or children residing with a  
4 parent or legal guardian at any light station, fog warning  
5 station, life saving station, or other place within a United  
6 States government reservation, under such rules and regu-  
7 lations as may be made by the state superintendent and  
8 approved by the governor and council.

Sect. 2. For the purpose of carrying out the provisions  
2 of the preceding section, there is hereby appropriated the  
3 sum of thirty-five thousand dollars annually, which sum  
4 shall be deducted and set aside therefor by the treasurer  
5 of state from the annual school funds of the state. All of  
6 this appropriation not expended during any financial year,  
7 shall, on the first day of July next following, be added to  
8 the permanent school fund. The state superintendent is

9 hereby authorized to use this appropriation for any pur-  
10 pose in connection with the schooling of children in the  
11 unorganized territory of the state, including: teachers' sala-  
12 ries, board and traveling expenses; fuel and janitor serv-  
13 ice; tuition, board and transportation of elementary school  
14 pupils; secondary school tuition; textbooks, school appa-  
15 ratus and supplies; erection, equipment, repair and main-  
16 tenance of schoolhouses and requisite buildings, all of which  
17 schoolhouses shall conform to the minimum requirements  
18 for school buildings as provided by section fourteen of  
19 chapter sixteen of the revised statutes, as amended; lots  
20 for school buildings or leases thereof; services and ex-  
21 penses of agents and attendance officers, and clerical assist-  
22 ance; and any other expenses he may deem necessary.

Sect. 3. Before school privileges are provided in accord-  
2 ance with section one of this act for a child or children in  
3 any unorganized unit it shall be the duty of the state super-  
4 intendent through his agents to procure returns showing  
5 an assessment of the school tax as provided in section four,  
6 and the number of persons, including the names and ages  
7 of those between five and twenty-one years, resident there-  
8 in, together with such other information as he may deem  
9 necessary, and similar returns shall be required by him  
10 annually thereafter on the first day of April, or corrected  
11 to the first day of April, as long as school privileges are  
12 so provided.

Sect. 4. Whenever school privileges are first provided in

2 accordance with section one of this act for a child or chil-  
3 dren resident in any unorganized unit and annually there-  
4 after on the first day of April as long as school privileges  
5 are provided all male residents of such unorganized unit  
6 twenty-one years of age and over shall be assessed and shall  
7 pay to the state superintendent of public schools or his  
8 duly authorized agent a school tax of three dollars. The  
9 obligation to pay this tax shall in no way be removed in  
10 case a resident pays or has paid a poll tax in a town. The  
11 state superintendent shall have authority to abate said tax  
12 in any case when conditions appear to warrant such action.  
13 All of said taxes so collected by agents shall be remitted  
14 by them to the state superintendent who shall transfer such  
15 taxes to the treasurer of state to be credited to the appro-  
16 priation for schooling in unorganized territory.

Sect. 5. The state superintendent shall have authority to  
2 appoint agents for the whole and any portion of the un-  
3 organized territory and said agents shall perform such du-  
4 ties in connection with the schooling of children, including  
5 the assessing and collecting of the school tax, as the state  
6 superintendent may authorize or delegate in each particu-  
7 lar appointment. Said agents in the collection of the school  
8 tax aforesaid shall have the same powers and may use the  
9 same methods as collectors of taxes in towns are author-  
10 ized to exercise and use for the collecting of personal and  
11 poll taxes committed to them: said agents shall act as at-  
12 tendance officers for the territory covered by their appoint-

13 ment. Special attendance officers as may appear necessary  
14 may be appointed by the state superintendent for any un-  
15 organized unit. Attendance officers for the unorganized  
16 territory shall have the same authority and be under the  
17 same obligations as provided in section sixty-eight of chap-  
18 ter sixteen of the revised statutes, with such changes as  
19 provided in section ten of this act.

Sect. 6. When a location for a schoolhouse and requisite  
2 building in any unorganized unit has been designated by  
3 the state superintendent and the owner thereof refuses to  
4 sell, or, in the opinion of the state superintendent ask an  
5 unreasonable price for it, or resides without the state and  
6 has no authorized agent or attorney therein, the state super-  
7 intendent or his duly authorized agent, any time after thirty  
8 days from the time of notifying the said owner of the des-  
9 ignation of said lot, may lay out a schoolhouse lot, not  
10 exceeding three acres, and appraise the damages; and on  
11 payment and tender of such damages, or if said owner does  
12 not reside in the state, upon depositing such damages with  
13 the state treasurer for his use, may take such lot to be  
14 held and used for the purposes aforesaid, and should a  
15 school building not be erected thereon within a period of  
16 three years from the date the lot was taken by the state  
17 it shall revert to the owner, his heirs or assigns. The state  
18 superintendent may take real estate for the enlargement or  
19 extension of any location designated for the erection or  
20 removal of a schoolhouse and requisite buildings and play-

21 grounds, as herein provided ; but no real estate shall be so  
22 taken within fifty feet of a dwelling house and all school-  
23 house lots and playgrounds that require fencing shall be  
24 fenced by the state.

II. If the owner is aggrieved at the location of the lot,  
2 or the damages awarded, he may apply to the board of  
3 state assessors within three months, who may change the  
4 location and assess the damages. If the damages are in-  
5 creased or the location changed, the state shall pay the dam-  
6 age and costs; otherwise the costs shall be paid by the  
7 applicant.

Sect. 7. Whenever any unorganized unit becomes organ-  
2 ized as a town or plantation such town or plantation shall,  
3 within two years of the date of said organization, through  
4 the state superintendent pay to the treasurer of state for  
5 each school building within its limits erected or remodeled  
6 in accordance with this act a sum to be determined by the  
7 state superintendent and not less than two-thirds of the  
8 cost to the state of such building, lot and improvements,  
9 which sum shall be credited to the appropriation for school-  
10 ing in unorganized territory. A record shall be kept by the  
11 state superintendent of the cost of all such buildings, lots  
12 and improvements, which shall be used as a basis for such  
13 settlement. It is further provided that any town or plan-  
14 tation dissatisfied with the sum determined upon by the  
15 state superintendent in such case may, after a vote taken  
16 by the town or plantation at a regular or special meeting



17 called for the purpose appeal to the governor and council  
18 who shall make the final decision relative thereto.

Sect. 8. Any school building in unorganized territory may  
2 be used and held for school purposes by the state super-  
3 intendent of public schools, and all repairs, changes or ad-  
4 ditions thereto shall be made under his direction or that of  
5 a duly authorized agent. All school buildings not privately  
6 owned in unorganized territory shall become the property  
7 of the state upon the passage of this act. Whenever a town  
8 or plantation becomes disorganized by act of the legislature  
9 all school property therein shall become the property of the  
10 state and under the charge of the state superintendent the  
11 same as other school property in unorganized territory.

Sect. 9. Whenever the civil organization of any town or  
2 plantation becomes defunct through failure to hold the an-  
3 nual town or plantation meeting, failure to fill vacancies in  
4 necessary offices, or in any other manner, it shall be the  
5 duty of the state superintendent of schools to assume charge  
6 of all school property therein, to require an accounting for  
7 all town or plantation school funds, and to provide school  
8 privileges for children between five and twenty-one years  
9 of age whose parents are residents of such town or plan-  
10 tation, until such time as it shall recover its civil organ-  
11 ization or is disorganized by act of the legislature. The  
12 state superintendent may provide the school privileges in  
13 such manner as he may deem expedient under the super-  
14 vision of any of the agents of the unorganized territory or

15 a special agent appointed by him for the purpose. The  
16 expense of such school privileges shall be paid from the  
17 appropriation for schooling in unorganized territory and  
18 in case any such town or plantation recovers its civil or-  
19 ganization within a period of two years the amount of any  
20 such expense paid by the state shall, upon recommendation  
21 of the state superintendent of schools, be deducted by the  
22 treasurer of state from any school funds that may subse-  
23 quently become payable to such town or plantation by the  
24 state and credited to the appropriation for schooling in  
25 unorganized territory.

Sect. 10. The compulsory school attendance laws, child  
2 labor laws and sections fifty-three and fifty-four and one  
3 hundred forty-eight to one hundred fifty-two, inclusive, of  
4 chapter sixteen of the revised statutes, shall apply to chil-  
5 dren of the unorganized territory of the state the same as  
6 to the children of cities, towns and plantations with such  
7 changes thereof relative to officials, courts, disposal of  
8 fines, etc., as may be made by the state superintendent and  
9 approved by a judge of the supreme judicial court to make  
10 these laws applicable to the unorganized territory while  
11 retaining the general principles of the laws; and it shall be  
12 the duty of the state superintendent to have these laws,  
13 with the changes as made, printed in sufficient quantity for  
14 use in the unorganized territory, and to supply to any per-  
15 son making application therefor.

Sect. 11. Sections one hundred fifteen, one hundred six-

2 teen, one hundred seventeen as amended by chapter fifty-  
3 one of the public laws of nineteen hundred seventeen, one  
4 hundred eighteen as amended by chapter sixty-five of the  
5 public laws of nineteen hundred seventeen, and one hun-  
6 dred nineteen of chapter sixteen of the revised statutes, are  
7 hereby repealed.