

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 955

H. P. 1821

House of Representatives, April 2, 1937.

Reported by Mr. Gyger from Committee on Education and laid on table to be printed under joint rules.

HARVEY R. PEASE, Clerk.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT to Guarantee a Minimum Educational Program and to Provide for the Equalization of Educational Opportunity for the Youth of the State of Maine.

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

Sec. 1. R. S., c. 19, § 16, amended. Section 16 of chapter 19 of the revised statutes is hereby amended to read as follows:

‘Sec. 16. Towns to raise money for schools; expenditure. Every town shall raise and expend, annually, for the support of common schools therein, ~~exclusive of the income of any corporate school fund, or of any grant from the revenue or fund from the state, or of any voluntary donation, devise, or bequest, or of any forfeiture accruing to the use of schools, not less than eighty cents for each inhabitant, according to the census by which representatives to the legislature were last apportioned, and~~ inclusive of the income from any corporate school fund and inclusive of any amount received from the state from interest on lands reserved and inclusive of any grant from the revenue or fund of the state, not less than \$783 per elementary teaching unit and an amount sufficient to pay for the transportation and board of elementary pupils, under penalty of forfeiting not less than twice nor more than 4 times the amount of its deficiency, and all moneys provided by towns, or apportioned by the state for the support of common schools, shall be expended for the maintenance of common

schools established and controlled by the towns by which said moneys are provided, or to which said moneys are apportioned; but nothing in this section shall be so construed as to annul, or render void, the provisions made in section 21 of this chapter for the establishment and maintenance of union schools by adjoining towns.'

Sec. 2. R. S., c. 19, § 22, amended. Section 22 of chapter 19 of the revised statutes is hereby amended to read as follows:

'Sec. 22. Purposes for which school fund shall be used; parent or guardian may provide text-books; second-hand books not to be purchased; penalty. Towns shall expend the entire amount of the school fund received from the state together with the amount arising from the ~~eighty cents per capita funds raised~~ as provided in section 16 of this chapter, and the funds arising from the various sources enumerated in ~~the first four lines of~~ said section, and the funds arising from the provisions of section 17 of this chapter, for the payment of teachers' wages and board, fuel, janitors' services, conveyance of scholars, and tuition and board of scholars as provided in section 2 and section 78 of this chapter and shall provide schoolbooks, apparatus, and appliances for the use of pupils in the public schools, including all free high schools, **insurance on the buildings, if any, maintenance of schoolyards and playgrounds, and incidental repairs to buildings** at the expense of said town; and shall also pay for the necessary **major repairs of school buildings and the** ~~insurance on the same, if any,~~ improvement and ~~maintenance~~ **equipment** of schoolyards and playgrounds out of a sum or sums of money raised and appropriated for that purpose, which shall be assessed like other money and shall be in addition to and independent of the amount which towns are required by law to raise, assess, and expend for the support of common schools; provided, however, that any parent or guardian of any pupil in the public schools may at his own expense procure for the separate and exclusive use of such pupil the text-books required to be used in such schools, ~~and~~. No second-hand books shall be purchased for the use of any school; whoever violates this provision shall forfeit not exceeding \$500, to be recovered in an action of debt by any school officer or person aggrieved.'

Sec. 3. R. S., c. 19, § 91, amended. Section 91 of chapter 19 of the revised statutes is hereby amended to read as follows:

'Sec. 91. Towns may raise money to maintain free high schools. Towns and precincts may raise money for establishing and maintaining free high schools, and erecting buildings and providing equipments for the same, in

the same manner as for supporting common schools and erecting school-houses, **provided, however, that the appropriation for maintenance of any high school shall in no case be less than \$1305 for each teaching unit, and an amount sufficient to pay for the transportation or board of secondary pupils as authorized by vote of the town, and provided further that receipts from tuition shall be credited on the required appropriation.'**

Sec. 4. R. S., c. 19, § 202, amended. Section 202 of chapter 19 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 202. State school fund, for maintenance and support of elementary and secondary schools, how created. A tax of $3 \frac{1}{3}$ mills on a dollar shall annually be assessed upon all the property in the state according to the value thereof and said tax shall be assessed and collected in the same manner as other state taxes and be paid into the state treasury. To the fund resulting from said tax the treasurer of state annually shall add the income from the permanent school fund, as provided by law, and a sum equal to $\frac{1}{2}$ the amount received by the state from the tax on the franchises of savings banks and on the deposits of trust and banking companies ~~as provided by law~~ **together with an appropriation of \$500,000 from the general fund of the state to be paid to towns as provided by section 210 of this chapter.**

The sum total of the amount so assessed, ~~and~~ collected and credited from the general fund of the state shall be designated the state school fund and after the deduction therefrom of all funds and appropriations which the treasurer of state is authorized by law to deduct, the balance shall be distributed among the several cities, towns, and plantations of the state in the manner provided for by sections 202 to 216, to be expended by said cities, towns, and plantations for the maintenance and support of elementary and secondary schools established and controlled by them.'

Sec. 5. R. S., c. 19, §203, amended. Section 203 of chapter 19 of the revised statutes is hereby amended to read as follows:

'Sec. 203. Terms defined. For the purposes of sections 202 to 216 the following terms are defined:

The term "elementary school" shall be understood to include that part of the school organization of a town in which is offered a program of studies preceding that offered by a class A high school as defined by section 83.

The term "secondary school" shall be understood to include that part of the school organization of a town offering a program of studies as in-

cluded in class A high schools or any part thereof as defined by section 83 and as arranged for by the establishment and maintenance of a free high school, a union high school, or by contract with the superintending school committee of an adjoining town or with the trustees of an academy within the town or in an adjoining town as provided for by section 92.

The term "teaching ~~positions~~ unit" shall be understood to mean a ~~positions~~ in elementary and secondary schools filled by a classroom teachers, ~~assistant classroom teachers~~, school principals, school nurses, supervisors, ~~assistants to assistant supervisors~~, ~~clerical assistant~~, and a teachers of special subjects, except when any such ~~position~~ unit is used as a basis for payment of state aid under the provisions of the laws encouraging industrial, vocational, and physical education, or when any such position is filled by a person devoting less than half of the school day to the duties of such positions ~~together with the expenses incident to the work of such unit~~. Provided, however, that the number of teaching ~~positions~~ units in a secondary school shall be reckoned in ~~such~~ ratio to the actual number of such ~~positions~~ units as the aggregate attendance of pupils residents of the town is to the aggregate attendance of all pupils regularly enrolled in the school and provided, further, that a teaching ~~position~~ unit in an elementary or a secondary school maintained for any part of the school year shall be reckoned in ~~such~~ ratio to a complete ~~position~~ unit as the number of weeks which the ~~position~~ unit was maintained is to the number of weeks schools of the town were maintained.

The term "school census" shall be understood to mean the number of persons between the ages of 5 and 21 years as provided for by section 56.

The term "aggregate attendance" shall be understood to include the total number of days of attendance for any one school year of each regularly enrolled pupil resident of the town in elementary and secondary schools; provided that the attendance of each pupil present on the day preceding shall be counted for each school holiday within any school term, for each day of the school year when there is no session of school because of absence of the teacher in attendance on teachers' meetings, as provided by law, and for not more than 1 day in each term when there is no session of school because of the absence of the teacher in visiting other schools when so authorized by the superintending school committee.'

Sec. 6. R. S., c. 19, §204, amended. Section 204 of chapter 19 of the revised statutes is hereby amended to read as follows:

'Sec. 204. State controller to report to commissioner of education July 1st; commissioner to make apportionment and report to governor and council amounts to be paid towns in December. On the 1st day of

July, annually, the state ~~auditor~~ **controller** shall report to the ~~state~~ commissioner of education the amount of the state school fund and all deductions therefrom provided for by law, and the ~~state~~ commissioner of education shall apportion said state school fund to the several cities, towns, and plantations in the manner provided for by law and shall transmit a report of said apportionment to the governor and council. Upon approval of said report by the governor and council there shall be paid to the treasurer of said towns in December, annually, the amounts so apportioned.'

Sec. 7. R. S., c. 19, §205, amended. Section 205 of chapter 19 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 205. Deductions from state school fund. In addition to the other funds and appropriations provided for by law to be deducted from the state school fund, there shall annually be deducted the sum of \$125,000, the same to be denominated the school equalization fund and to be apportioned and distributed in the manner and for the purposes provided for by section 210. From the state school fund there shall also be apportioned such sums as may be required for payment to towns for reimbursement of tuition in secondary schools as provided for by section 206, such amount as may be required for physical education as provided in sections 181 to 183; an amount not to exceed \$150,000 to cover the obligation of the state for industrial education under sections 163 to 168, inclusive; such amounts as may be required to cover the obligations of the state for teachers' pensions under sections 219 to 226, inclusive; such amounts as may be required to cover the obligations of the state under the teachers' retirement act under ~~paragraph 3 of section 234~~ 238; and such sums as may be required for payment to towns on account of teaching positions maintained as provided for by section 207, and such sums as may be required for apportionment to towns on the basis of the school census as provided for by section 208, ~~and the balance of said state school fund shall be apportioned and distributed to towns on the basis of aggregate attendance as provided for by section 209.'~~

Sec. 8. R. S., c. 19, §206, amended. Section 206 of chapter 19 of the revised statutes is hereby amended to read as follows:

'Sec. 206. Reimbursement to towns for tuition for pupils attending secondary schools. When any town shall have been required to pay and has paid tuition for pupils attending secondary schools, as provided by section 93, the superintendent of schools of such town shall make a return under oath to the ~~state~~ commissioner of education before the 1st day of September, annually, for the preceding school year, stating the name of each pupil

for whom tuition has been paid, the amount paid by the town for each, and the name and location of the school which each has attended. Upon the approval of said return the ~~state~~ commissioner of education shall apportion to such town a sum equal to $\frac{2}{3}$ the amount thus paid by such town. Provided, further, that tuition for such pupils may be paid by towns to an amount not exceeding the average cost per pupil for the year preceding that for which the tuition is paid in the school attended by such pupil, but such payment by any town shall not exceed \$100 for any pupil for any 1 year, and reimbursement to any town for any 1 year shall not exceed \$700. Provided, further, that any town not maintaining a high school may pay tuition for any student who with parents or guardian, resides in said town and who attends an approved school of secondary grade in a town adjacent to the state of Maine in another state, when distance and transportation facilities make attendance in a Maine high school or academy inexpedient.

Provided, however, that when pupils are sent from one city, town, or plantation to another, any accounts for tuition of such pupils shall become due and payable on the 30th day of June, at the end of that school year; if such accounts be not paid on or before the 1st day of September of that year, the commissioner of education shall pay such accounts, or so much thereof as he shall find to be rightly due, to the receiving city, town, or plantation, at the next regular annual apportionment, together with interest on such accounts at the rate of 6% annually, computed from said 1st day of September; and the commissioner of education shall charge any such payment against the apportioned fund of the sending city, town, or plantation.'

Sec. 9. R. S., c. 19, § 207, amended. Section 207 of chapter 19 of the revised statutes is hereby amended to read as follows:

'Sec. 207. Apportionment to towns for teaching units. On the basis of information furnished to the ~~state~~ commissioner of education by the return of educational statistics for the year ending July 1st, annually, as provided for by section 58, said ~~state~~ commissioner shall apportion to each town the sum of \$100 for each teaching ~~position unit~~, or a corresponding fractional part of \$100 for each fractional part of a teaching ~~position unit~~ maintained in the elementary and secondary schools of such town.'

Sec. 10. R. S., c. 19, § 209, repealed. Section 209 of chapter 19 of the revised statutes is hereby repealed.

Sec. 11. R. S., c. 19, § 210, amended. Section 210 of chapter 19 of the revised statutes, as amended, is hereby further amended by repealing paragraphs I, II and V; also by repealing chapter 33 of the public laws of 1935

(allocated as paragraph VI, and herein made a part of section 206); and also by changing Roman numeral III to Roman numeral I, by changing Roman numeral IV to Roman numeral II, and amending said paragraph; and by adding a new paragraph to be numbered III, so that said section, as amended, shall read as follows:

'Sec. 210. School equalization fund, how apportioned. The school equalization fund shall be apportioned by the commissioner of education to the towns qualified to receive aid from said fund as follows:

I. Whenever any school is closed or suspended as provided for by section 2 of this chapter and pupils attending such school have been conveyed to another school under such conditions of conveyance as may be approved by the commissioner of education, there may be apportioned to the town in which such school was maintained such amount as, added to the amount apportioned under the provisions of section 207 on account of teaching positions, will give to said town, on account of said school, the same amount as though this position had been maintained for the entire year. Provided, further, that so long as said school remains closed and satisfactory conveyance is maintained there may be apportioned the same amount as for the maintenance of a teaching position, provided, however, that the amount so apportioned shall not exceed $\frac{1}{2}$ the cost of such conveyance.

II. Whenever any town through its superintendent or superintending school committee shall submit to the commissioner of education a definite plan for consolidation of schools, conveyance of pupils, housing of teachers, standardization of schools, or other projects especially worthy of encouragement, said commissioner shall investigate such plan and upon approval of the same may recommend to the governor and council the payment to such town of an amount, not exceeding \$500 in any one year, as an encouragement to such plan or project, provided, however, that the total amount available for aid under this paragraph shall not exceed ~~10% of the equalization fund.~~ **\$10,000 in any one year.**

III. Any town in which a sum equal to a tax of 12 mills upon the valuation of the town as determined by the bureau of taxation for the current year fails to produce a sufficient revenue to meet the minimum provisions of the law as required by sections 16, 91 and 93 as hereby revised, shall be considered eligible for equalization aid. Annually in December the commissioner of education shall issue to the governor and council a recommendation relative thereto. The governor and council shall draw a warrant in favor of the treasurer of said town for the payment from the equal-

ization fund of an amount, the sum of which combined with other state aids as provided by law, shall equal the difference between the amount raised and expended as required by law and the proceeds of a tax of 12 mills upon the assessed valuation of the town as determined by the bureau of taxation, and which shall be expended under the direction of the superintending school committee of said town in accordance with the recommendation as made by the said commissioner, provided further:

1. No town shall be eligible to share in equalization aid unless its tax rate for all purposes for the current year shall exceed the average of rates for the state as determined by the bureau of taxation;

2. The amount of equalization aid paid by the state for board or conveyance of pupils in said town shall not exceed $\frac{1}{2}$ the approved cost of said board or conveyance;

3. No town entitled to equalization aid under this act shall receive an annual amount in excess of \$6000 save that in any town where a tax of 12 mills upon the assessed valuation is in excess of this amount the state may pay an additional amount not exceeding the difference between the sum of \$6000 and the proceeds of a tax of 12 mills upon the assessed valuation;

Provided further, that the number of teaching units in the elementary and secondary schools to be used as a basis for equalization aid in any town shall be the number of teaching units actually effective under similar conditions in non-equalization towns during the preceding year as determined by the commissioner of education from reports of practice throughout the state.

If in any year the approved claims of the several towns entitled to equalization aid shall be in excess of the appropriation a sufficient reduction in the amount of the allotments shall be made to bring the total amount of the grants within the limit of the appropriation. The reduction in the allotment to each town shall bear the same ratio to the approved grant to that town that the total reduction bears to the total of approved grants to all towns.

The commissioner of education with the approval of the governor and council shall have authority to administer the provisions of this act until such time as the towns affected shall have an opportunity to comply with the provisions of the law.'