

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1279

H. P. 1128

House of Representatives, March 4, 1953.

Referred to Committee on Education. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Fuller of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Relating to Education of Indian Children.

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

Sec. 1. R. S., c. 22, § 337, repealed. Section 337 of chapter 22 of the revised statutes, as amended, is hereby repealed.

Sec. 2. R. S., c. 22, § 364, repealed. Section 364 of chapter 22 of the revised statutes, as amended, is hereby repealed.

Sec. 3. R. S., c. 37, §§ 155-A - 155-F, additional. Chapter 37 of the revised statutes is hereby amended by adding thereto 6 new sections, to be numbered 155-A to 155-F, inclusive, to read as follows :

‘Sec. 155-A. **Schooling privileges for Indian children.** The commissioner of education shall, subject to such regulations as may be established by the state board of education, provide school privileges for all Indian children of the Passamaquoddy or Penobscot tribes, between the ages of 5 and 21 years, living with a parent, guardian, or person standing in loco parentis on any of the reservations of said tribes within this state, either by maintaining such schools as may seem advisable or by securing tuition privileges at public elementary or approved secondary schools. Children sent as tuition pupils shall be eligible to all privileges and benefits and be

subject to the same rules and regulations as other children enrolled in the school to which they are sent; tuition shall be paid by the state in accordance with the proportional cost per pupil of the school attended as established by the commissioner of education unless a rate of tuition is otherwise agreed upon. Transportation of board, in full or in part, may be paid for tuition pupils at the discretion of the commissioner.

Sec. 155-B. Appropriation for Indian education; how used. Such amounts as are necessary to carry out the provisions of sections 155-A to 155-F, inclusive, shall be paid out of such funds as the legislature may appropriate. The commissioner is authorized to use this appropriation for any purpose in connection with the schooling of Indian children living on the tribal reservations within the state, including: salaries of agents, teachers, supervisors, and other school personnel; services, materials, and equipment capital outlay; and for any expenditure he may deem necessary to carry on a program of education for Indian children within the limits of sections 155-A to 155-F, inclusive.

Sec. 155-C. Annual census provided for. It shall be the duty of the commissioner through his agents on April 1st, or corrected to April 1st, annually, to procure returns showing the number of persons, including the names and ages of each, of those Indian children between the ages of 5 and 21 years eligible to school privileges under sections 155-A to 155-F, inclusive.

Sec. 155-D. Appointment of agents and attendance officers; duties. The commissioner shall have authority to appoint deputies or agents to perform such duties in connection with the schooling of Indian children as he may authorize or delegate in each particular appointment. Attendance officers appointed in accordance with the provisions of sections 321-A and 321-B of chapter 22 shall have the same authorities and duties as provided in section 85 of chapter 37, for attendance officers elected by the superintending school committees of cities and towns except that they shall be directed in their duties by the commissioner or his agent.

Sec. 155-E. School property on Indian reservations. Any school building in use as such on June 1, 1953 and owned by the state on any of the Indian reservations and all school materials and equipment therein shall come under the care and custody of the commissioner of education on the effective date of sections 155-A to 155-F, inclusive, and may be used and held by him for school purposes and all repairs, changes, or additions thereto shall be made under his direction or that of a duly authorized agent.

Sec. 155-F. Regarding compulsory school laws and other laws. The compulsory school attendance laws, child labor laws, and sections 66, 67 and 191 to 194, inclusive, of this chapter shall apply to Indian children living on tribal reservations within the state the same as to the children living in the municipalities of the state with such changes thereof relative to officials, courts, disposal of fines, etc., as may be made by the commissioner and approved by a justice of the supreme judicial court to make these laws applicable to the Indian reservations while retaining the general principles of the law. It shall be the duty of the commissioner to have these laws printed or reproduced and available to any person making application therefor.'

Sec. 4. R. S., c. 59, § 7, sub-§ IX, amended. Subsection IX of section 7 of chapter 59 of the revised statutes, as amended, is further amended to read as follows:

'IX. Officers and employees of the University of Maine, of the several state normal schools and teachers' colleges, ~~and~~ of the unorganized territory school system, **and of the Indian schools.'**