

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)

SEVENTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

PASSED AUGUST 5, 1930, AND TAKING
EFFECT NOVEMBER 10, 1930



By the Authority of the Legislature

AUGUSTA
KENNEBEC JOURNAL PRINT

CHAPTER 19.

Education of Youth.

Sections 1- 15	Location of Schools.
Sections 16- 42	Duties of Towns.
Sections 43- 61	Powers and Duties of Superintending School Committees and Superintendents.
Sections 62- 73	Superintendence Through Union of Towns.
Sections 74- 82	Compulsory Education.
Sections 83-111	Free High Schools, Academies, and Seminaries.
Sections 112-119	University of Maine.
Sections 120-127	Duties and Qualifications of Instructors. Degrees. Holidays.
Sections 128-130	Teachers' Associations.
Sections 131-146	Schools in Plantations and Unorganized Territory.
Sections 147-152	State Commissioner of Education.
Sections 153-159	State Examination of Teachers.
Sections 160-162	Registration of Teachers.
Sections 163-169	Industrial Education.
Sections 170-180	Vocational Education.
Sections 181-184	Physical Education.
Sections 185-191	Normal Schools.
Sections 192-193	Summer Schools.
Sections 194-195	Instruction for the Blind and Deaf.
Sections 196-200	Penal Provisions Affecting Schools.
Sections 201-218	State School Funds.
Sections 219-227	Teachers' Pensions.
Sections 228-248	Teachers' Retirement System.
Sections 249-254	Maine School for the Deaf.

Location of Schools.

Sec. 1. All school districts abolished except districts organized by act of legislature; how schools in such districts shall be supported; corporate powers of districts continued for purpose of meeting liabilities. R. S. c. 16, § 1. The school districts in all towns in the state are abolished. Provided, however, that school districts organized with special powers by act of the legislature may retain such organization and special powers; but said districts shall annually, on or before the first day of June, by their agents, trustees, or directors, submit to the school committees of their several towns estimates of the amounts required for the maintenance of the schools therein, other than free high schools, for the ensuing school year, and shall be entitled to such portion of the common school funds of the town as said committees shall determine, which sum shall not be less than is necessary for the maintenance of their schools for a period equal to that of the other schools of the town; and provided further, that the corporate powers of every school district shall continue so far as the same may be necessary for meeting its liabilities and enforcing its rights; and any property held

in trust by any school district by virtue of a gift, devise, or bequest for the benefit of said district shall continue to be held and used according to the terms thereof.

*90 Me. 322; 91 Me. 519.

Sec. 2. No change in location of any school legally established; towns may determine number and location on recommendation of school committee; school with few scholars may be suspended; superintendent to procure conveyance for scholars; committee may furnish board instead of providing conveyance. R. S. c. 16, § 2. 1921, c. 114. 1929, c. 190. The location of any school legally established prior to the seventeenth day of March, eighteen hundred and ninety-three continues unchanged, notwithstanding the district is abolished; but any town at its annual meeting, or at a meeting called for the purpose, may determine the number and location of its schools, and may discontinue them or change their location; but such discontinuance or change of location shall be made only on the written recommendation of the superintending school committee, and on conditions proper to preserve the just rights and privileges of the inhabitants for whose benefit such schools were established; provided, however, that in case any school shall hereafter have too few scholars for its profitable maintenance, the superintending school committee may suspend the operation of such school for not more than one year, but shall not close such school for a longer period unless so instructed by the town, but any public school failing to maintain an average attendance for any school year, of at least eight pupils, shall be and hereby is suspended, unless the town in which said school is located shall by vote, at the annual meeting, or at a meeting called for that purpose, after the said committee shall have made a written recommendation to that effect, instruct its superintending school committee to maintain said school. The superintendent of schools in each town shall procure the conveyance of all common school pupils residing in his town, a part or the whole of the distance, to and from the nearest suitable school, for the number of weeks for which schools are maintained in each year, when such pupils reside at such a distance from the said school as in the judgment of the superintending school committee shall render such conveyance necessary. In all cases, conveyance so provided shall conserve the comfort, safety, and welfare of the children conveyed and shall be in charge of a responsible driver who shall have control over the conduct of the children conveyed. Provided, however, that the superintending school committee may authorize the superintendent of schools to pay the board of any pupil or pupils at a suitable place near any established school instead of providing conveyance for said pupil or pupils, when in their judgment it may be done at an equal or less expense than by conveyance.

Sec. 3. Schoolhouse lots acquired by condemnation; damages, how appraised; lot reverts to owner when not used for school purposes for two successive years, subject to right of town to remove building; land may be taken for schoolhouse lot, playgrounds. R. S. c. 16, § 3. 1921, c. 10. 1927, c. 65. When a location for the erection or removal of a schoolhouse and requisite building has been legally designated by vote of the town at any town meeting called for that purpose, and the owner thereof refuses to sell, or, in the opinion of the municipal officers, asks an unreasonable price for it, or resides without the state and has no authorized agent or attorney therein, they may lay out a schoolhouse lot and playgrounds, not exceeding five acres, and appraise the damages as is provided for laying out town ways, and on payment or tender of such damages, or if such owner does not reside in the state, upon depositing such damages in the treasury of such town for his use, the town designating it may take such lot to be held and used

for the purposes aforesaid; and when such schoolhouse lot has ceased to be used by the town for school purposes for two successive years, said lot reverts to the owner, his heirs or assigns, on demand by him or them in writing made to the municipal officers of the town, subject to the right of the town to enter upon said lot and remove said schoolhouse at any time within six months after said demand. And any town or city may take real estate for the enlargement or extension of any location designated for the erection or removal of a schoolhouse and requisite buildings and playgrounds, as herein provided; but no real estate shall be so taken within fifty feet of a dwelling-house, and all schoolhouse lots and playgrounds that require fencing shall be fenced by the town or city.

*52 Me. 146; 60 Me. 405, *542, 545; 63 Me. 192; 67 Me. 283; *77 Me. 120; 98 Me.

131.

Sec. 4. Appeal by aggrieved owner. R. S. c. 16, § 4. If the owner is aggrieved at the location of the lot, or the damages awarded, he may apply to the county commissioners within six months, who may change the location and assess the damages. If the damages are increased, or the location changed, such town or district shall pay the damages and costs; otherwise the costs shall be paid by the applicant.

60 Me. 335; *542, 543; 63 Me. 192; 98 Me. 131.

Sec. 5. Schoolhouse lots, erroneous location, how reestablished and made valid. R. S. c. 16, § 5. If any town or school district, by its officers or by a committee, has designated, located, and described a lot upon which to erect, move, or repair a schoolhouse, and from mistake or omission has failed to comply with the law, whereby such location has been rendered invalid, three legal voters and taxpayers thereof may apply in writing to the selectmen of said town, and have the lot, so designated, or described, reappraised by them.

Sec. 6. Notice of appraisement and hearing. R. S. c. 16, § 6. The selectmen of any town to whom such application has been made shall forthwith give not less than seven nor more than twenty days' notice to the clerk of said town or district and to the owner of such real estate, or to the persons having the same in charge, of the time and place by them fixed for such hearing, and shall, after examination and hearing of all interested, appraise the lot as set out and affix a fair value thereon, exclusive of improvements made by said district or town, either by buildings or otherwise; and shall, as soon as practicable, notify the town or district clerk, and the persons interested in said estate who had been notified as hereinbefore provided, of the sum at which said lot has been appraised.

Sec. 7. Assessment and collection. R. S. c. 16, § 7. The sum fixed as the value of said lot shall be assessed, collected, and paid over as other school money.

Sec. 8. Tender to be allowed in payment. R. S. c. 16, § 8. Any sum which has been tendered and is in the hands or under the control of the persons owning or having charge of such land shall be allowed in payment of said appraisal.

Sec. 9. Either party may appeal. R. S. c. 16, § 9. If the town or district, or persons owning or having charge of the land on which such location is made, are dissatisfied with such appraisal, either party may within ten days appeal to the county commissioners of the county in which the land lies, by filing a copy of the proceedings and a claim of appeal with said commissioners, and the determination of a majority of said commissioners not residents of said town shall be final.

Sec. 10. Improvements inure to town or district. R. S. c. 16, § 10. When any school district or town has erected or moved a building upon such lot or in

any way improved the same, such improvement shall inure to the benefit of such town or district, and the same may be as completely occupied and controlled by such town or district as it would have been if such location had been in strict conformity to law.

Sec. 11. Tax not affected by error in location. R. S. c. 16, § 11. The legality of a tax assessed to build, repair, or remove a schoolhouse and to pay for a lot shall not be affected by any mistake or error in the designation or location thereof.

Sec. 12. Plan to be approved by committee. R. S. c. 16, § 12. A plan for the erection or reconstruction of any schoolhouse voted by a town shall first be approved by the superintending school committee; and in case no special building committee has been chosen by the town, said superintending school committee shall have charge of said erection or reconstruction; provided, however, that they may, if they see fit, delegate said power and duty to the superintendent of schools.

Sec. 13. Plans and specifications to be furnished by state commissioner. R. S. c. 16, § 13. The state commissioner of education shall procure architects' plans and specifications for school buildings of not exceeding four rooms each, and full detail working plans therefor. Said plans and specifications shall be loaned to any superintending school committee or school building committee desiring to erect a new school building. For the use of the state commissioner of education in procuring such plans and specifications the sum of two hundred dollars annually shall be appropriated,

110 Me. 242.

Sec. 14. Provision for heating, lighting, and ventilating; committee to notify state commissioner of readiness for occupancy and to report whether specifications have been met; he may order inspection and alterations; liability of town. R. S. c. 16, § 14. 1917, c. 62. 1921, c. 24. Where the plans and specifications prepared by the state commissioner of education are not used, all superintending school committees of towns in which new schoolhouses are to be erected shall make suitable provision for the heating, lighting, and ventilating and hygienic conditions of such buildings, and all plans and specifications for any such proposed school building and plans for the reconstruction or remodeling of any school building, the expense for which shall exceed five hundred dollars, shall be submitted to and approved by the state commissioner of education and the state department of health before the same shall be accepted by the superintending school committee or school building committee of the town in which it is proposed to erect, reconstruct, or remodel such building. The superintending school committee or the school building committee in charge of the erection of a new school building or of the reconstruction or remodeling of any school building as provided for by this section shall seasonably notify the state commissioner of education of its readiness for occupancy and shall report to the state commissioner of education, on blanks furnished by said state commissioner, such facts relative to the arrangement, construction, or reconstruction of said building as shall indicate whether or not the proposals in the plans and specifications previously approved have been met. Whenever it shall appear to the state commissioner of education that such approved plans in their provisions for heating, lighting, ventilating, and hygienic conditions have not been carried out, he may cause an inspection of said building to be made and shall notify said committee of changes required to be made to comply with the conditions previously approved, and it shall be the duty of said committee promptly to rectify said

conditions, and failure so to do shall render the town liable to the provisions of section nineteen of this chapter.

110 Me. 242.

Sec. 15. Schoolhouses to be provided with proper exits; municipal officers to correct defects. R. S. c. 16, § 15. Any building which is used in whole or in part as a schoolhouse shall be provided with proper egresses or other means of escape from fire sufficient for the use of all persons therein accommodated. These egresses and means of escape shall be kept unobstructed, in good repair, and ready for use. Stairways on the outside of the building shall have suitable railed landings at each story above the first, accessible at each story from doors or windows; and such stairways, doors, or windows shall be kept clean of snow, ice, and other obstructions. In school buildings of more than one story there shall be at least two separate means of egress by inside or outside stairways, and each story above the first shall be supplied with means of extinguishing fire, consisting of pails of water or other portable apparatus, or of a hose attached to a suitable water supply, and such appliance shall be kept at all times ready for use and in good condition. Upon written notification by the superintending school committee that any school building does not meet the specifications herein named, the municipal officers of the town shall at once proceed to correct the defects, and any failure so to act shall render the town liable to the provisions of section nineteen of this chapter.

See c. 35, § 37; c. 26, § 30.

Duties of Towns.

Sec. 16. Towns to raise money for schools; expenditure. R. S. c. 16, § 16. 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, under penalty of forfeiting not less than twice nor more than four 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 twenty-one of this chapter for the establishment and maintenance of union schools by adjoining towns.

See §§ 201, 202, 207-212; c. 11, §§ 23, 24; c. 20, § 56; *68 Me. 584; 72 Me. 166; 76 Me. 416; 92 Me. 327; 109 Me. 173.

Sec. 17. Expenditures by towns failing to account for permanent school funds. R. S. c. 16, § 17. All towns incorporated since seventeen hundred and eighty-eight, not formerly parts of other towns, which fail to account for the permanent school fund arising from sale or lease of school lands in said towns, shall annually raise and expend for the maintenance of common schools not less than forty-five dollars in addition to the amount required by law to be raised and expended for the support of said schools.

Sec. 18. School money, how paid by towns. R. S. c. 16, § 18. No money appropriated by law for public schools shall be paid from the treasury of any town except upon written order of its municipal officers; and no such order shall be drawn by said officers except upon presentation of a properly avouched bill of items, said bill of items having first been approved by a majority of the members

of the superintending school committee and certified by the superintendent of schools. The unexpended balance of all moneys raised by towns, or received from the state, for the payment of wages and board of teachers, fuel, janitors' services, conveyance, or tuition and board of scholars shall be credited to the school resources for the year following that in which said unexpended balance accrued.

Sec. 19. School fund to be withheld from delinquent towns. R. S. c. 16, § 19. When the governor and council have reason to believe that a town has neglected to raise and expend the school money required by law, or to employ teachers certified as required by law, or to have instruction given in the subjects prescribed by law, or to provide suitable text-books in the subjects prescribed by law, or faithfully to expend the school money received from the state, or in any way, to comply with the law prescribing the duties of towns in relation to public schools, they shall direct the treasurer of state to withhold from the apportionment of state school funds made to that town such amount as they may deem expedient, and the amount so withheld shall not be paid until such town shall satisfy said governor and council that it has expended the full amount of school money as required by law and that it has complied in all ways with the law prescribing the duties of towns in relation to public schools; and whenever such town shall fail, within the year for which the apportionment is made, so to satisfy the governor and council, the said amount withheld shall be forfeited and shall be added to the permanent school fund for the year next succeeding.

Sec. 20. Equal school privileges to be provided for all pupils. R. S. c. 16, § 20. 1929, c. 243. The school moneys of every town shall be so expended as to give as nearly as practicable the same aggregate annual length of terms in all its schools, and every town shall make provision for the maintenance of all its schools for not less than thirty-two weeks annually. Any town failing to maintain its schools as provided in this section shall be debarred from drawing its state school moneys until it shall have made suitable provisions for so maintaining them thereafter.

Sec. 21. Union schools may be maintained by adjoining towns; management of such schools. R. S. c. 16, § 21. Adjoining towns, upon the written recommendation of the school committees of said towns, may by concurrent action maintain union schools for the benefit of parts of said towns constituting on the first day of March, eighteen hundred and ninety-four, union school districts, or may establish such schools, and shall contribute to their support each in proportion to the number of scholars in each of said towns attending such schools. Said schools shall be under the management of the school committee of the town in which their schoolhouses are located.

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. R. S. c. 16, § 22. 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 as provided in section sixteen 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 seventeen of this chapter, for the payment of teachers' wages and board, fuel, janitor's services, conveyance of scholars, and tuition and board of scholars as provided in section two and section seventy-eight of this chapter and shall provide schoolbooks, apparatus, and appliances for the use of pupils in the public schools, including all free high schools, at the expense of said town; and shall also pay for the necessary repairs

CHAP. 19

of school buildings and the insurance on the same, if any, improvement and maintenance of school yards 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 five hundred dollars, to be recovered in an action of debt by any school officer or person aggrieved.

See § 212.

Sec. 23. Distribution of books, etc. R. S. c. 16, § 23. School committees shall make such rules and regulations not repugnant to law, as they deem proper, for the distribution and preservation of schoolbooks and appliances furnished at the expense of the town.

Sec. 24. Damages for injuring or destroying, recovered of parent or guardian. R. S. c. 16, § 24. When a pupil in the public schools loses, destroys, or unnecessarily injures any such schoolbook or appliance furnished such pupil at the expense of said town, his parent or guardian shall be notified, and if the loss or damage is not made good to the satisfaction of such committee within a reasonable time, they shall report the case to the assessors, who shall include in the next town tax of the delinquent parent or guardian the value of the book or appliance so lost, destroyed, or injured, to be assessed and collected as other town taxes.

Sec. 25. Cities and towns may raise money for evening schools. R. S. c. 16, § 25. Any city or town may, in addition to the sum raised for the support of the common schools, raise and appropriate money for the support of evening schools, which shall admit persons of any age, shall teach only the elementary branches, and shall be under the direction and supervision of the superintending school committee.

See § 167.

Sec. 26. Instruction in industrial or mechanical drawing. R. S. c. 16, § 26. Any city or town may annually make provision for free instruction in industrial or mechanical drawing, to persons over fifteen years of age, either in day or evening schools, under direction of the superintending school committee.

Sec. 27. Manual training schools. R. S. c. 16, § 27. Any city or town may, in addition to the sum raised for the support of the common schools, raise and appropriate money for the support of manual training schools and may receive gifts and bequests for the use, maintenance, and support of such schools.

See §§ 165-168.

Sec. 28. Such schools under direction of committee; rules and regulations. R. S. c. 16, § 28. Such schools shall be under the control, direction, and supervision of the superintending school committee, and shall admit such persons between the ages of six and twenty-one years, and shall give such courses of instruction as said committee may determine. Pupils in such schools shall be subject to the same conditions, rules, and regulations as are provided for public schools.

Sec. 29. Scholars at light stations. R. S. c. 16, § 29. Persons between the ages of five and twenty-one years living at any light station, fog warning station, or life saving station shall be admitted to any public school in the state without

paying tuition; such scholars shall be entitled to all privileges and benefits, and be subject to the same conditions, rules, and regulations as scholars residing in the town in which they attend school.

Sec. 30. Schooling for children of parents who have a temporary residence provided for; jurisdiction granted to towns of temporary residence; privileges in town of permanent residence not affected. 1925, c. 100, § 1. In order to facilitate the education of children whose parents find it necessary, in the pursuit of their occupations, to move from place to place and whose children reside with them in such temporary residence, it is hereby provided that the children of such person or persons shall be under the jurisdiction of the towns and plantations in which the parent has temporary residence and shall be subject to the school attendance laws and to the rules and regulations of the towns and plantations in which they with the parent have temporary residence, provided, further, that this does not interfere with the free school privileges of such children in the towns and plantations of the permanent residence of the parent.

Sec. 31. Transportation or board of children in places of temporary residences provided for; procedure to obtain; payment of, how made. 1925, c. 100, § 2. 1929, c. 160. Where the distance from the place of temporary residence to the school is more than two miles and transportation is deemed advisable by the superintending school committee, the superintendent of schools shall report the same to the state commissioner of education with such other information as may be required and if so directed by the state commissioner of education shall procure transportation for such child or children or, if transportation is inadvisable, board in lieu thereof; provided that when there shall be reported to the commissioner of education in connection with the annual report a bill of expenses incurred in connection with such transportation or board, the state commissioner of education is hereby authorized to reimburse such towns and plantations for such expenses, the same to be paid from the state school fund and at the time of the distribution of such fund.

Sec. 32. School age; kindergartens. R. S. c. 16, § 30. 1917, c. 134. 1925, c. 127. The age of pupils allowed to attend the public schools of the state is hereby fixed between the ages of five and twenty-one years; and every child between the said ages shall have the right to attend the public schools in the town in which his parent or guardian has a legal residence, subject to such reasonable regulations as to the numbers and qualifications of pupils to be admitted to the respective schools and as to other school matters as the superintending school committee shall from time to time prescribe; provided, however, that the superintending school committee of any city or town may, and upon the filing with the municipal officers of such city or town of a petition not less than one month before the annual town meeting by the parents or guardians of thirty or more children between four and six years of age living within a mile of a public elementary school, shall, unless otherwise instructed by the town or city, maintain a kindergarten or kindergartens as a part of the common school course, and pupils shall be allowed to attend such a kindergarten or kindergartens upon reaching the age of four years; provided further, that unless the average daily attendance in any kindergarten shall be fifteen or more for any school year the superintending school committee, upon the recommendation of the superintendent of schools, may discontinue the school; provided further, that no person shall be allowed to teach in any kindergarten maintained under the provisions of this section who has not completed at least a two years' course in kindergarten training or its equivalent and received a certificate or diploma from a recognized kindergarten training school approved by the state commissioner of education.

CHAP. 19

Sec. 33. Annual school returns to state commissioner. R. S. c. 16, § 31. The assessors or municipal officers of each town, shall, on or before the first day of each May, make to the state commissioner of education, a certificate, embracing the following items:

I. The amount voted by the town for common schools at the preceding annual meeting.

II. The amount of school moneys payable to the town from the state treasury during the year ending with the first day of the preceding April.

III. The amount of money actually expended for common schools during the preceding fiscal year of the town.

IV. The amount of school moneys unexpended at the expiration of the preceding fiscal year of the town.

V. Answers to such other inquiries as are presented to secure a full and complete statement of school revenues and expenditures.

Sec. 34. Election of superintending school committee. R. S. c. 16, § 32. Every town shall choose by ballot at its annual meeting a superintending school committee of three, to hold office as provided in the following section, and shall fill vacancies arising therein at each subsequent annual meeting.

See Const. of Me. Art. ix, § 1.

Sec. 35. Superintending school committees, when first chosen, to arrange terms of office; vacancies; no member to be employed to teach in his own town. R. S. c. 16, § 33. 1919, c. 155. School committees first chosen shall designate by lot a member or members to hold office for one, two, and three years respectively, in manner as follows: one for one year, one for two years, and one for three years; and they shall certify such designation to the town clerk to be by him recorded; and thereafterwards one member shall be chosen by ballot at the annual meeting of the town, to hold office for three years. Said committee may fill vacancies occurring between annual meetings, and the term of office of any member of the committee so chosen shall expire at the next annual meeting. No member of the superintending school committee of any town shall be employed as a teacher in any public school in said town. In case any member of the superintending school committee shall remove from the town or be absent for more than ninety days a vacancy shall be declared to exist and the remaining members shall within thirty days thereafter choose another member as hereinbefore provided. Whenever the remaining members fail to appoint a person to fill a vacancy the same may be filled by election at a town meeting called for the purpose.

Sec. 36. Sections 34 and 35 not to apply to certain cities. R. S. c. 16, § 34. The provisions of the two preceding sections shall not apply to cities whose charters specify the methods of election and term of office of a superintending school committee or board of education; nor to towns, cities, and incorporated districts authorized by private and special laws to choose school committees other than those herein provided for.

Sec. 37. Penalty for neglect to choose committee. R. S. c. 16, § 35. A town failing to elect members of the superintending school committee as required by law forfeits not less than thirty dollars, nor more than two hundred dollars.

Sec. 38. Committee to serve without pay. R. S. c. 16, § 36. Superintending school committees shall serve without pay, unless otherwise voted by the town.

See § 66.

Sec. 39. Towns to maintain clean and sanitary toilets in all buildings used for school purposes. 1921, c. 33, § 1. In order to safeguard the health and morals of the children of the state, towns shall from their regular appropriations for

schoolhouse repairs, or from special appropriations for the purpose of sections thirty-nine to forty-two inclusive, provide and maintain sanitary, protected, and clean toilets free from all obscene markings in all school buildings or in other buildings rented or used for school purposes.

Sec. 40. Requirements in construction that must be met. 1921, c. 33, § 2. 1923, c. 169. All school buildings or buildings used for school purposes shall be provided with toilet facilities that shall be installed in such manner and location as to insure privacy, cleanliness, and supervision by teachers and that shall meet at least one of the following minimum requirements:

(a) **Flush closets.** Flush water closets connected with sewer, filter bed, septic tanks or protected cesspool with separate compartments for the sexes, accessible only by separate passageways from schoolrooms or corridors.

(b) **Chemical closets.** Chemical closets, of such types and manufacture as shall be approved by the state commissioner of education, with separate compartments for the sexes accessible only by separate passageways from schoolrooms or corridors.

(c) **Privies.** Privies located in attached buildings provided with separate compartments for the sexes, accessible only by separate ventilated passageways from schoolrooms or corridors and constructed in such a manner that the vault of said privy shall be at least ten feet from the nearest schoolroom wall and adjacent to the outside wall of the building in which said privy is located, provided that when conditions make it necessary, the above specifications may be modified by written agreement of the state commissioner of education and the superintending school committee.

Sec. 41. State commissioner of education to furnish plans for privies and chemical closets. 1921, c. 33, § 3. The state commissioner of education shall furnish to superintending school committees or building committees plans for privies of approved type, lists of chemical toilets of approved type and manufacture, and such other information and material as may assist said committees in complying with the provisions of sections thirty-nine to forty-two.

Sec. 42. School committees to make provisions for cleaning vaults; annual inspection and report of changes needed; school money to be withheld when the town fails to meet the requirements. 1921, c. 33, § 4. Superintending school committees shall make provision for the cleaning of vaults and tanks and the repair and upkeep of accessories. Said committees shall annually cause an inspection to be made of sanitary conditions in school buildings and shall cause to be reported to the town such construction, reconstruction, or repairs necessary to meet the conditions of sections thirty-nine to forty-two and any town failing to meet the said conditions through neglect of its superintending school committee, or neglect to appropriate funds for the purpose, shall be liable to the penalties of section nineteen.

Powers and Duties of Superintending School Committees and Superintendents.

Sec. 43. Management of schools; election and discharge of superintendent. R. S. c. 16, § 37. The management of the schools and the custody and care, including repairs and insurance on school buildings, of all school property in every town shall devolve upon the superintending school committee which shall annually, and as often as a vacancy shall occur, elect a superintendent of schools who shall not be a member of the committee, and no person shall be eligible to the office of superintendent of schools under the provisions of this section unless

CHAP. 19

he shall hold a teacher's state certificate, or a state certificate of superintendence grade. After due notice and investigation, the superintending school committee may for cause discharge a superintendent of schools, and, after protracted absence from duty on the part of said superintendent, may declare a vacancy in his office. This section, so far as it relates to the manner of the election or employment of superintendents of schools, shall not apply to cities, nor to towns authorized by special laws to employ or choose superintendents in manner otherwise than is herein provided.

*100 Me. 136.

Sec. 44. Duties. R. S. c. 16, § 38. 1919, c. 137. 1921, c. 41. 1929, c. 139. Superintending school committees shall perform the following duties:

I. Direct the general course of instruction and approve a uniform system of text-books, and perform such other functions as may be specified by law. No text-book thus approved shall be changed for three years unless by vote of the committee.

38 Me. 394.

II. They shall make provision for the instruction of all pupils in schools supported by public money or under state control, in physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants, and narcotics upon the human system.

III. After due notice and investigation, they shall dismiss any teacher, although having the requisite certificate, who proves unfit to teach, or whose services they deem unprofitable to the school; and give to said teacher a certificate of dismissal and of the reasons therefor, a copy of which they shall retain, and such dismissal shall not deprive the teacher of compensation for previous services.

*3 Me. 453; *16 Me. 185; 119 Me. 437; 127 Me. 258.

IV. Expel any obstinately disobedient and disorderly scholar, after a proper investigation of his behavior, if found necessary for the peace and usefulness of the school; and restore him on satisfactory evidence of his repentance and amendment.

*38 Me. 391; 124 Me. 41.

V. Exclude, if they deem it expedient, any person not vaccinated, although otherwise entitled to admission, unless a parent or guardian of such person shall present a signed statement that such parent or guardian is opposed to vaccination, in which event such person may only be excluded in the event of an epidemic of smallpox.

VI. Prescribe the sum on payment of which persons of the required age, resident in territory the jurisdiction of which has been ceded to the United States, included in or surrounded by the town, may attend school in the town.

See c. 2, §§ 1, 5, 6.

VII. Determine what description of scholars shall attend each school, classify them, and transfer them from school to school where more than one school is kept at the same time.

VIII. For the purpose of increasing the efficiency of the public schools of the state, superintending school committees and boards of education shall have authority to grant to any teacher, principal or other person regularly employed by them a leave of absence for a period of not to exceed one year and on not more than half pay, such leave of absence to be granted only after seven years of service and under such conditions and with such regulations as may be determined by the governing board, and for the purpose of permitting said teacher, principal or other person to pursue a further course of study or to travel,

to the end that he or she may be better fitted by education and culture for his or her position in the schools.

IX. They shall have authority to adjust the salaries of teachers, principals and other persons legally employed by them who are compelled to be absent from their school duties on account of illness. The provisions of this and the preceding section shall apply only in cases of persons who are employed on yearly contracts or on tenure of service and who hold the legal qualifications necessary for such positions.

Sec. 45. Teachers and janitors to file health certificate with superintending school committees; penalty. 1929, c. 281. No person shall enter upon the duties of a teacher or janitor in any public school unless and until he shall have filed a certificate from a licensed and practicing physician of this state certifying that such person is free from all infectious and communicable diseases.

A similar certificate shall be filed by such teacher or janitor at the commencement of each school year thereafter, if he then continues as teacher or janitor, or if not so continuing, then immediately prior to a subsequent entering upon the duties of a teacher or janitor.

Such certificate shall be filed with the superintending school committee and there kept as a record and shall be available to inspection at all reasonable times.

If such teacher or janitor fails to file such certificate, as aforesaid, or files one which is false, the salary or compensation which he would receive shall not be paid for the period of such failure.

Sec. 46. Secret societies prohibited. R. S. c. 16, § 39. No pupil of any public, elementary, or secondary school shall participate in or be a member of any secret fraternity or secret society whatsoever that is in any degree a school organization. Superintending school committees shall enforce the provisions of this section and may expel or otherwise discipline any pupil for failure or refusal to comply with its provisions.

Sec. 47. School physicians appointed. R. S. c. 16, § 40. The superintending school committee of every city and town shall appoint one or more school physicians, and shall assign one to the medical inspection of not over one thousand pupils of the public schools within its city or town, and shall provide them with all proper facilities for the performance of their duties as hereinafter prescribed; provided, however, that the said committee has been so authorized by vote of the town at a regular town meeting or at a special town meeting called for that purpose.

Sec. 48. Duties of physician. R. S. c. 16, § 41. Every school physician shall make a prompt examination and diagnosis of all children referred to him as hereinafter provided, and such further examination of teachers, janitors, and school buildings as in his opinion the protection of the health of the pupils may require.

Sec. 49. Treatment of pupils. R. S. c. 16, § 42. The pupils so examined by school physicians, when treatment is necessary, shall not be referred to any school physician for such treatment unless such school physician is the regular family physician of such pupil; but shall be referred to the regular family physician of such pupil through the parents or guardian.

Sec. 50. Examination of pupils after absence on account of sickness. R. S. c. 16, § 43. The superintending school committee shall cause to be referred to a school physician for examination and diagnosis every child returning to a school without a certificate from the board of health or family physician after absence on account of illness or whenever in the judgment of the teacher the

circumstances of the absence were such as to require such a certificate, and every child in the schools under its jurisdiction who shows signs of being in ill health or of suffering from infectious or contagious disease, unless he is at once excluded from school by the teacher; except that in case of schools in remote and isolated situations, the school committee may make such other arrangements as may best carry out the purposes of sections forty-seven to fifty-four, both inclusive.

Sec. 51. Notice of disease or defects. R. S. c. 16, § 44. The superintending school committee shall cause notice of disease or defects, if any, from which any child is found to be suffering, to be sent to his parents or guardians. Whenever a child shows symptoms of smallpox, scarlet fever, measles, chicken-pox, tuberculosis, diphtheria, or influenza, tonsillitis, whooping-cough, mumps, scabies, or trachoma, he shall be sent home immediately or as soon as safe and proper conveyance can be found, and the board of health and superintendent of schools shall at once be notified.

See c. 22, §§ 17, 57-70.

Sec. 52. Examination of sight and hearing; notice of defect or disability to parent or guardian. R. S. c. 16, § 45. The superintending school committee of every city or town shall cause every child in the public schools to be separately and carefully tested and examined at least once in every school year to ascertain whether he is suffering from defective sight, or hearing, or from any other disability or defect tending to prevent his receiving the full benefit of his school work, or requiring a modification of the school work in order to prevent injury to the child or to secure the best educational results. Tests of sight and hearing shall be made by the teachers or by the school physicians. The committee shall cause notice of any defect or disability requiring treatment to be sent to the parent or guardian of the child, and shall require a physical record of each child to be kept in such form as the state commissioner of education shall prescribe after consultation with the state department of health.

Sec. 53. State commissioner of education to prescribe directions for tests. R. S. c. 16, § 46. The state commissioner of education shall prescribe, after consultation with the state department of health, the directions for tests of sight and hearing, and shall prescribe and furnish to the school committees suitable rules of instruction, test cards, blanks, record books, and other useful appliances for carrying out the purposes of the six preceding sections.

Sec. 54. Expense that may be incurred by city or town. R. S. c. 16, § 47. Expenses which a city or town may incur by virtue of the authority herein vested in the superintending school committee shall not exceed the amount appropriated for that purpose in cities by the city council and in towns by a town meeting. The appropriation shall precede any expenditure under the seven preceding sections, and the sum appropriated shall be deemed sufficient appropriation in the municipality where it is made. Such appropriation need not specify to what section it shall apply and may be voted as a total appropriation to be applied in carrying out the purposes of said sections.

Sec. 55. Application of §§ 47-54. R. S. c. 16, § 48. The provisions of the eight preceding sections shall apply only to cities and towns having a population of less than forty thousand inhabitants.

Sec. 56. Superintendent, to make school census. R. S. c. 16, § 49. 1919, c. 83. The superintendent of schools in every town shall return under oath to the school committee, in April annually, a certified list of the names and ages of all persons in the town from five to twenty-one years of age, corrected to the

first day of said month, leaving out of said enumeration all persons coming from other places to attend any college or academy, or to labor in any factory or at any manufacturing or other business.

Sec. 57. Return to state commissioner of education. R. S. c. 16, § 50. He shall annually make returns to the state commissioner of education of the number of persons between the ages of five and twenty-one years, together with a certified list of the names and ages of such persons, corrected to the first day of April preceding the time of making such returns, and give full and complete answers to the inquiries contained in the blank forms furnished him by law; certify that such statement is true and correct, according to his best knowledge and belief; and transmit it to the office of the state commissioner on or before the first day of each May. He shall also furnish such other information relating to the public schools as the state commissioner shall at any time require of him. When the state commissioner of education on examination of the census returns of any town is of the opinion that the census has been inaccurately taken, he shall make a statement thereof to the governor and council who may require the census of such town to be retaken and returned and, if they think necessary, they may for this purpose appoint persons to perform this service; and such persons so appointed shall take the same oath, perform the same service and receive the same compensation out of the same funds as the person or persons who took the school census in the first instance; and the school fund distributable in proportion to enumeration of scholars shall be distributed on the corrected returns.

Sec. 58. Annual return of statistics. R. S. c. 16, § 51. He shall, on or before the first day of August, annually, make under oath a full and complete return of all educational statistics for the year ending the first day of July next preceding, and any town that shall fail, through its school officers, to make the return required by this section shall be liable to the provisions of section nineteen of this chapter.

Sec. 59. Flags to be furnished schools. R. S. c. 16, § 52. Superintendents of schools shall see that the flag is displayed from the public school buildings on appropriate occasions. They shall report annually to the towns the amount necessary to furnish the public schools with suitable flags and flagstuffs, and towns shall annually appropriate a sufficient amount to defray the necessary cost of the display of the flag. The appropriation for this purpose shall be separate from and additional to all other appropriations for schools. It shall be the duty of instructors to impress upon the youth by suitable references and observances the significance of the flag, to teach them the cost, the object, and principles of our government, the great sacrifices of our forefathers, the important part taken by the Union Army in the war of eighteen hundred sixty-one to eighteen hundred sixty-five, and to teach them to love, honor, and respect the flag of our country that cost so much and is so dear to every true American citizen.

See c. 1, § 6, ¶ xix.

Sec. 60. Exclusion of pupils from school on account of filth or disease. R. S. c. 16, § 53. When a teacher becomes aware or suspects that any of the pupils attending his school are in a condition which renders them a source of offense or danger to the other pupils in school on account of filthiness, or because they are the bearers of vermin or parasites, or have an infectious or contagious disease of the skin, mouth, or eyes, he shall notify the superintendent of schools. When a superintendent of schools knows or learns that any of the

CHAP. 19

pupils attending any school within his jurisdiction are affected with any of the conditions, infections, or diseases herein mentioned, he shall notify the parents to cleanse the clothing and the bodies of the children and to furnish them with the required home or medical treatment for the relief of their trouble, and he may, when he deems it necessary, exclude such children from the schools temporarily or until they may be cured, cleansed, and disinfected.

Sec. 61. Duty of parents; penalty for neglect. R. S. c. 16, § 54. Parents thus notified of the condition of their children shall forthwith have them and their clothing cleansed and shall promptly do what is necessary, or furnish them such medical treatment as may be required, to rid the children of vermin, parasites, or contagion; any parent who fails to do what is required so that the children may return to school with as little loss of time as is possible shall be punished by a fine of not more than five dollars for the first offense, and of not more than ten dollars for a second or subsequent offense.

See c. 22, §§ 57-70.

Superintendence of Schools Through the Union of Towns.

Sec. 62. State commissioner of education to combine all towns into unions for supervision; exceptions; aggrieved committees may appeal. R. S. c. 16, § 55. 1917, c. 188, § 1, ¶ I. The several combinations of towns into supervisory unions for the purpose of employing superintendents of schools heretofore constituted under authority of statute shall remain effective except as herein provided. Whenever, upon the representation of the superintending school committee of any town, it shall appear to the state commissioner of education to be to the advantage of said town and of the state to change the combination of towns composing the union of which said town is a part, the said state commissioner of education shall have authority to direct the dissolution and organization of unions so that a more advantageous combination may be effected. Provided, however, that any superintending school committee of a town dissatisfied with the change in the combination proposed by the state commissioner of education to include that town may appeal to the governor and council, who shall make the final decision relative thereto.

Sec. 63. Union to include thirty to fifty schools; proviso. 1917, c. 188, § 1, ¶ II. Any school supervisory union formed under the provisions of the preceding section shall include not less than thirty nor more than fifty schools unless the state commissioner of education shall find upon representation of any school committee that owing to geographical situation or other reasons it is to the advantage of the state and of said towns that a union shall include fewer than thirty or more than fifty schools.

Sec. 64. First meeting to be held upon notification of state commissioner; subsequent meetings; union superintendent removed for cause; salary; tenure, etc. R. S. c. 16, § 56. 1917, c. 188, § 2. 1921, c. 26, § 1. 1923, c. 176. The superintending school committees of the towns composing a union shall form a joint committee, and for the purposes of this section and the seven following sections, said joint committee shall be held to be the agents of each town composing the union, provided, however, that the superintending school committee of any town may authorize one of its members to act for the committee in the meetings of the joint committee, and in such case, the member so authorized, may cast the votes for the full membership of his committee. Said joint committee upon notification by the state commissioner of education shall meet before the first day of July, nineteen hundred eighteen, and between April first and

June thirtieth annually thereafter, at a day and place agreed upon by the chairmen of the committees of the several towns composing the union, and shall organize by the choice of a chairman and a secretary. Said joint committee shall determine the relative amount of service to be performed by the superintendent in each town, including the minimum number of visits to be made each term to each school, fix his salary, apportion the amounts thereof to be paid by the several towns, which amounts shall be certified to the treasurers of said towns, respectively, and to the state commissioner of education, together with the amounts apportioned to each town, provided, that the amount so certified shall be in proportion to the amount of service performed in the several towns. Said joint committee, at the time of its organization, or as soon thereafter as possible, and whenever a vacancy shall occur, shall choose by ballot a superintendent of schools for a term of not more than five years and the term for which a superintendent is elected shall, in all cases, end on the thirtieth day of June of the year in which the contract expires, provided, however, that said committee, by a two-thirds vote of its full membership, after due notice and investigation, may, for cause, discharge a superintendent of schools before the expiration of the term for which he was elected, and after such discharge the salary of said superintendent shall cease.

Sec. 65. Return to be made on or before August 1, annually; union superintendents to be paid out of sum specifically appropriated for that purpose; superintendents may be reimbursed for expenses. R. S. c. 16, § 57. 1917, c. 188, § 3. 1919, c. 18. 1927, c. 136, § 1. The chairman and secretary of said joint committee shall, upon the election of a superintendent of schools as provided by the preceding section, certify under oath to the state commissioner of education, upon the forms prescribed by him, all facts relative to said union and employment of a superintendent. On or before the first day of August, nineteen hundred eighteen, and annually thereafter, and whenever a new superintendent is chosen, said chairman and secretary shall make return of a similar certificate. Upon approval of said certificate the superintendent so employed shall, on presentation of proper vouchers, receive monthly out of the sum appropriated for superintendence of towns composing school unions a sum equal to the aggregate sum paid by the towns composing the union, provided, that the amount so paid for the benefit of a single union of towns shall not exceed twelve hundred dollars in one year nor shall any school union receive less than one thousand dollars per year, and provided further, that the annual appropriation for payments hereunder shall be deducted from state school funds. The state commissioner of education annually shall cause an investigation to be made of the conditions of supervision in unions of towns, including the relative financial support for supervision by towns, the relative distances required to be traveled and the relative amounts of expenses to be paid by superintendents of schools directly in connection with the supervision and administration of schools in unions of towns. When it appears to the state commissioner of education that the efficiency of supervision in any union is or may be lessened because of the financial burden to towns, expenses for travel and other purposes required to be paid by the superintendent of such union because of the number and location of schools, geographical or other conditions, said state commissioner of education, annually in August, shall issue to the governor and council a recommendation relative thereto and the governor and council, on the approval of said recommendation, may draw a warrant for payment out of the sum appropriated for superintendence of towns composing school unions in favor of the superintendent or superintendents of schools employed in said union within the school year ending June

CHAP. 19

thirtieth immediately preceding, provided, however, that the amount so paid for the benefit of a single union shall not exceed three hundred and fifty dollars annually and shall be in addition to other payments made to said superintendent as provided in this section and provided further that the amount so available for the equalization of such expenses shall not exceed one-fifth of the appropriation for superintendence of towns composing school unions.

Sec. 66. Towns and cities having fifty schools need not unite; return to be made annually in December; like regulations to be observed as in union. R. S. c. 16, § 57. 1917, c. 188, § 4. 1921, c. 26, § 2. 1927, c. 136, § 2. The superintending school committee of a city or town having under its care and custody an aggregate of more than fifty schools may employ a superintendent of schools without uniting with other cities or towns for the purpose. Said superintendent of schools shall be chosen in the same manner and for the same term, his salary shall be fixed, and he may be discharged under the same conditions as superintendents employed under the provisions of section sixty-four. Annually, in the month of December the chairman and secretary of said committee shall certify to the state commissioner of education, upon forms prescribed by him, all facts relative to the employment of a superintendent including the amount of the salary received; then upon the approval of said certificate by the state commissioner of education and presentation to the governor and council, a warrant shall be drawn upon the treasurer of state for the payment to the treasurer of that town or city, of a sum equal to the amount expended by said town or city for said superintendence, provided that the amount so paid for the benefit of a single town or city shall not be at a rate exceeding twelve hundred dollars for one year.

Sec. 67. Appropriation for salary of superintendent. R. S. c. 16, § 58. 1917, c. 188, § 5. Towns shall appropriate for the salary of the superintendent of schools their proportion of the sum paid said superintendent to the amount certified by the joint committee to the town treasurer, and said proportion to be paid by any town may be paid out of an appropriation for the salaries of town officers or out of a special appropriation for the purpose or out of both, but it shall not be paid from any appropriation made for the support or maintenance of common schools or high schools.

Sec. 68. Conference of instruction to be held. R. S. c. 16, § 58. 1917, c. 188, § 5. The state commissioner of education shall annually hold a conference for the instruction of superintendents serving under the provisions of the six preceding sections; he may expend not exceeding five hundred dollars out of the appropriation for the superintendence of towns composing school unions, to assist in defraying the mileage expenses of those superintendents who live remote from the place of such conference; but no superintendent shall be entitled to any part of such expenses unless he shall regularly attend all sessions of such conference.

Sec. 69. State commissioner of education to make regulations under which certificates shall be issued. R. S. c. 16, § 59. 1917, c. 188, § 6. Persons employed to serve as superintendents of schools under sections sixty-four to sixty-six shall hold state certificates of superintendence grade which shall be issued under such regulations as may be prescribed by the state commissioner of education; they shall devote their entire time to superintendence in the towns composing the union; provided, however, that they may, without violation of the provisions of this section, perform such educational service outside of the towns of their unions as may be performed with the approval of the state commissioner of education and with the consent of the committees employing them.

Sec. 70. Powers and duties of superintendents. R. S. c. 16, § 59. 1917, c. 188, § 7. 1921, c. 13. A superintendent of schools employed under the provisions of sections sixty-four to sixty-six shall have the following powers and duties:

(a) **Secretary ex officio.** He shall be, ex officio, secretary of the superintending school committee and of any school building committee chosen by the town, and shall perform such duties not herein enumerated as said committees shall direct.

(b) **Auditor; vouchers to be approved by majority of board.** He shall keep a permanent record of all its votes, orders, and proceedings; he shall place all orders for materials and supplies purchased by vote of the committee, and shall be its agent in keeping all financial records and accounts. He shall issue vouchers showing the correctness of bills contracted on account of school appropriations, but such bills shall not be allowed for payment by the municipal officers of towns unless they shall have been approved by a majority of the members of the superintending school committee.

(c) **Shall visit the schools; annual report.** He shall examine the schools and inquire into the regulations and the discipline thereof, and the proficiency of the pupils, for which purposes he shall visit each school at least the minimum number of times each term which the joint committee may designate. At the annual town meeting, he shall make a written report of the condition of the schools for the past year, with a statement of the condition of school buildings, the proficiency made by the pupils, and the success attending the modes of instruction and government thereof, and transmit a copy to the state commissioner of education.

(d) **Shall keep account of finances and report once a term to committee of respective towns.** He shall keep a faithful and accurate account of school finances, and he shall report at least once a term in writing to each of the several committees of the supervisory union, including in such report a statement of the condition of the schools, a financial statement, and a statement of the condition of school buildings and outbuildings in the matter of repair, cleanliness, and sanitary arrangements.

(e) **Shall nominate teachers; election to be approved by committee.** He shall nominate all teachers subject to such regulations governing salaries and the qualifications of teachers as the superintending school committee shall make, and upon the approval of nominations by said committee he may employ teachers so nominated and approved.

(f) **Shall supervise work of teachers.** He shall direct and supervise the work of all teachers.

(g) **Shall select and purchase text-books on approval of committee.** He shall select text-books, supplies, and apparatus subject to the approval of the superintending school committee and shall make all purchases of the same under such regulations as the superintending school committee shall adopt.

(h) **Shall distribute and account for supplies.** He shall see to it that all necessary apparatus and supplies are seasonably distributed to each school and accurately accounted for and economically used.

(i) **Shall enforce rules of committee.** He shall enforce or cause to be enforced all regulations of the superintending school committee.

Sec. 71. Appropriation exclusive of amount required for common school purposes; forfeiture for violation. R. S. c. 16, § 60. No town shall receive state aid under sections sixty-five and sixty-six unless its appropriation and expenditure

CHAP. 19

for superintendence have been exclusive of the amount required by law for common school purposes. If any part of the money raised by the towns or union of towns, or paid to them by the state for superintendence, is expended for any other purposes than those provided for in said sections, then each person so misappropriating said money shall forfeit double the sum so misapplied, to be recovered in an action of debt in the name and to the use of the town, by any inhabitant thereof; and no town or union of towns shall receive further aid under said sections until the amount so misapplied has been raised and expended for superintendence by such town or union of towns.

Sec. 72. Provisions made applicable to remote towns; state commissioner may take initiative in appointing agent to act as superintendent. R. S. c. 16, § 61. 1917, c. 188, § 8. Whenever the state commissioner of education shall find on investigation that any town or plantation is so situated that it is not practicable to form a union in accordance with the provisions of sections sixty-two to seventy-one, inclusive, he may place at the service of the committee of such town or plantation the general agent for the schooling of the children in unorganized townships, or any other agent of the state commissioner of education, who shall, when so assigned, serve as the superintendent of schools of said town or plantation; when the said agent shall so serve he shall have the same powers and shall perform the same service as superintendent of schools of towns; provided, however, that his visits to the schools of said town or plantation shall be at such intervals as may be directed by the commissioner of education.

Sec. 73. Reimbursements to be added to appropriation for union school superintendents; may be used for traveling expenses of agents. R. S. c. 16, § 62. 1917, c. 188, § 9. Whenever the schools of any town or plantation shall be placed under the supervision of agents of the state commissioner of education, as provided by the preceding section, the treasurer of said town or plantation shall pay to the treasurer of state a sum which shall be at the rate of twenty-five dollars annually for each of the schools of said town or plantation, and the amount so received by the treasurer of state shall be added by him to the appropriation for the superintendence of towns composing school unions and may be used for defraying the traveling expenses of agents so employed.

Compulsory Education.

Sec. 74. Towns may make by-laws concerning truants; approval. R. S. c. 16, § 63. Towns may make such by-laws, not repugnant to law, concerning habitual truants and children between six and seventeen years of age not attending school, without any regular and lawful occupation, and growing up in ignorance, as are most conducive to their welfare and the good order of society; and may annex a suitable penalty, not exceeding twenty dollars, for any breach thereof; but such by-laws must be first approved by a justice of the superior court.

See c. 5, § 136, ¶ 1.

Sec. 75. Violation of by-laws. R. S. c. 16, § 64. Attendance officers elected as provided in section seventy-nine shall alone make complaints for violations of said by-laws, and shall execute the judgments of the magistrate.

65 Me. 130.

Sec. 76. Truant children may be placed in suitable institutions. R. S. c. 16, § 65. Said magistrate, in place of fine, may order children proved to be growing up in truancy, and without the benefit of the education provided for them by law, to be placed for such periods as he thinks expedient, in the institution of instruction, house of reformation, or other suitable situation provided for the purpose under section seventy-four.

Sec. 77. Children between certain ages required to attend school unless excused or excluded by committee; penalty for neglect; exception for subnormal child. R. S. c. 16, § 66. 1919, c. 122. 1921, c. 5. 1927, c. 87. Every child between the seventh and fifteenth anniversaries of his birth and every child between the fifteenth and seventeenth anniversaries who cannot read at sight and write legibly simple sentences in the English language and every child between the fifteenth and sixteenth anniversaries who has not completed the eighth grade of the elementary school shall attend some public day school during the time such school is in session, and an absence therefrom of one-half day or more shall be deemed a violation of this requirement; provided, that necessary absence may be excused by the superintending school committee or superintendent of schools or teachers acting by the direction of either; provided, also, that such attendance shall not be required if the child obtains equivalent instruction, for a like period of time, in a private school in which the course of study and methods of instruction have been approved by the state commissioner of education, or in any other manner arranged for by the superintending school committee with the approval of the state commissioner of education; provided, further, that children shall not be credited with attendance at a private school until a certificate showing their names, residence, and attendance at such school, signed by the person or persons having such school in charge, shall be filed with the school officials of the town in which said children reside; and provided, further, that the superintending school committee may exclude from the public schools any child whose physical or mental condition makes it inexpedient for him to attend. All persons having children under their control shall cause them to attend school as provided in this section, and for every neglect of such duty shall be punished by a fine of not more than twenty-five dollars, or shall be imprisoned for not more than thirty days; provided, further, that a child between the ages of fourteen and sixteen who, because of sub-normal mental capacity, is unable to successfully pass the tests necessary to allow a regular work permit to be issued, may under conditions deemed proper receive a work permit issued jointly by the commissioner of education and the commissioner of labor, such persons to be employed in non-hazardous occupations.

See c. 53, § 19; 124 Me. 40.

Sec. 78. Children may be allowed to attend school in adjoining town on terms agreed upon; tuition. R. S. c. 16, § 67. Children living remote from any public school in the town in which they reside may be allowed to attend the public schools, other than a high school approved as provided in section ninety-three, in an adjoining town, under such regulations and on such terms as the school committees of said towns agree upon and prescribe, and the school committee of the town in which such children reside shall pay the sum agreed upon, out of the appropriations of money raised in said town for school purposes. Except as above provided, a child attending a public school, other than a high school approved as provided in section ninety-three, in a town in which his parent or legal guardian does not reside, after having obtained the consent of the school committee of such town, shall pay, as tuition, a sum equal to the average expense of each scholar in such school.

Sec. 79. Election of attendance officers; their authority and duties; vacancies; penalty for neglect of duty. R. S. c. 16, § 68. 1917, c. 248. The superintending school committee of every city and town shall annually elect one or more persons, to be designated attendance officers, who shall inquire into all cases of neglect of the duties prescribed in section seventy-seven and ascertain the reasons therefor and shall promptly report the same to the superintending

CHAP. 19

school committee, and such attendance officers or any of them, shall, when so directed by the school committee or superintendent, in writing, prosecute in the name of the state any person neglecting to perform the duties prescribed in said section, by promptly entering a complaint before a magistrate; and said officer shall, when notified by any teacher that any pupil is irregular in attendance, arrest and take such pupil to school when found truant; and further such officers shall enforce the provisions of sections one hundred ninety-seven to one hundred ninety-nine, inclusive, of this chapter. Attendance officers, when so directed in writing by the superintendent of schools or the superintending school committee of their respective towns may visit the manufacturing, mechanical, mercantile, and other business establishments in their several cities and towns during the hours in which the public schools of such city or town are in session, and ascertain whether any minors under the age of fourteen years are employed therein, and shall report in writing any cases of such employment to the superintendent of schools or the superintending school committee of their city or town; and if any minors are employed therein contrary to the provisions of chapter fifty-four, they shall also report in writing such illegal employment to the commissioner of labor and industry. The owner, superintendent, overseer, or agent of all manufacturing, mechanical, mercantile, or other business establishments, upon request, shall produce for the inspection of such attendance officers all work permits and vacation permits required to be kept on file in such establishments under chapter fifty-four. Superintending school committees shall elect attendance officers at their first meeting after the annual meeting of the town; they shall fill any vacancies occurring during the year and they may fix the compensation of said officers, and said compensation shall be paid from the appropriation made for the salaries of municipal officers. Any attendance officer neglecting any duty required of him under the provisions of this chapter shall be punished by a fine of not less than ten dollars, nor more than fifty dollars; and any town failing through its superintending school committee to meet said provisions shall be liable to the provisions of section nineteen of this chapter.

Sec. 80. Habitual truant; attendance officer to make complaint. R. S. c. 16, § 69. If a child without sufficient excuse is habitually and wilfully absent from school or fails without such excuse to attend school for five day sessions or for ten half-day sessions within any period of six months, he shall be deemed an habitual truant; and the superintending school committee shall notify him and any person under whose control he may be that, unless he conforms to section seventy-seven, the provisions of the two following sections will be enforced against them; and if thereafter such child continues irregular in attendance, the attendance officers or any of them shall when so directed by the superintending school committee or superintendent, in writing, enforce said provisions by complaint.

Sec. 81. Persons responsible for truancy punished. R. S. c. 16, § 70. Any person having control of a child who is an habitual truant, as defined in the foregoing section, and being in any way responsible for such truancy, and any person who induces a child to absent himself from school, or harbors or conceals such child when he is absent, shall be punished by a fine of not more than twenty dollars, or by imprisonment for not more than thirty days.

Sec. 82. Habitual truants may be committed to state institutions; attendance officer may execute warrants. R. S. c. 16, § 71. On complaint of the attendance officer, an habitual truant, if a boy, may be committed to the state school for boys, or if a girl, to the state school for girls, or to any truant school that may

hereafter be established. Municipal and police courts and trial justices shall have jurisdiction of such complaint and of the offenses described in sections seventy-seven, seventy-nine and eighty-one. All warrants issued by said courts or trial justices upon such complaint, or for an offense committed under said sections, and all legal processes issued by said courts or trial justices for the purpose of carrying into effect the provisions of this section and of said sections seventy-seven, seventy-nine and eighty-one, may be directed to and executed by the attendance officer, or either of the attendance officers, of the town where the offense is committed. All fines, collected under said two last named sections, shall be paid to the treasurer of the city or town in which the offense is committed, for the support of the public schools therein.

Probation officers have for some purposes authority of attendance officers, c. 147, § 23. P. & S. L. 1905, c. 346, § 2.

Free High Schools, Academies, and Seminaries.

Sec. 83. Classification of high schools. R. S. c. 16, § 73. 1919, c. 98, § 1. No school shall be regarded as a high school within the meaning of any of the provisions of this chapter unless such school shall be included in one of the following classes:

Class A. This class shall include such schools as maintain at least one approved course of study through four years of thirty-six weeks each and of standard grade, together with approved laboratory equipment, and shall employ at least two teachers; provided, the town, precinct, or union maintaining such school shall appropriate and expend for instruction therein at least eight hundred and fifty dollars annually exclusive of all tuition received.

Class B. This class shall include such schools as maintain one approved course of study through at least two years of thirty-six weeks and of standard grade, together with approved equipment, provided, the town, precinct, or union maintaining such school shall appropriate and expend for instruction therein at least five hundred dollars annually exclusive of all tuition received.

Junior high school. This class shall include such schools as maintain a diversified program of studies approved by the state commissioner of education, for such grades or years as he shall prescribe, throughout a school year of at least thirty-six weeks, provided, that the last two years of the elementary schools and not more than two grades or years of the high school may be included in such a school, and provided that the cost of maintenance may be taken from high school funds, or from high school funds and common school funds combined, in proportion to the cost of maintenance of the several grades. A school of this class may be maintained in connection with or as a part of a high school as provided in class A of this section.

Sec. 84. Town not obliged to pay tuition under § 93. R. S. c. 16, § 75. 1917, c. 67. 1919, c. 98, § 3. A town, precinct, or union maintaining a high school, as provided in class A of section eighty-three, shall not be obliged to pay tuition under section ninety-three of this chapter. A town, precinct, or union maintaining a high school as provided in class B of section eighty-three or a junior high school as provided in the same section shall not be obliged to pay tuition for any pupil until he has completed that part of the course of said school approved by the state commissioner of education, or the equivalent thereof.

Sec. 85. Schools to be inspected. R. S. c. 16, § 76. 1917, c. 43. All schools of secondary grade receiving state aid shall be inspected under the direction of the state commissioner of education, and for this purpose he shall be authorized to expend not to exceed four thousand dollars annually, which sum shall be paid

CHAP. 19

from the state appropriation for the support of high schools; and he shall determine what schools are included in the classification of section eighty-three, what schools maintain the courses of study, what schools are entitled to state aid, and what schools maintain approved courses for the reception of tuition scholars.

Sec. 86. Free high schools, number in any town limited; adjoining towns may maintain high schools; conveyance or board of pupils; town to receive and expend gifts, bequests, and funds surrendered by academies; state aid; penalty for misapplication of money appropriated by state. R. S. c. 16, § 78. 1923, c. 59. 1927, c. 106. Any town may establish and maintain not exceeding two free high schools; and in such case shall receive the same state aid as if the expenditure for both schools had been made for one. Two or more adjoining towns may unite in establishing and maintaining a free high school, and both shall receive the same state aid as if such school had been maintained by one town. Any town may, in addition to the sums raised for the support of high and common schools, raise and appropriate a sum for the payment of conveyance or board of pupils attending secondary schools, said sum to be expended under the direction of the superintending school committee. Provided, that in cases of pupils who reside on islands within towns and cities and on which there is no secondary school and from which regular transportation lines are established and in operation, said towns and cities shall pay transportation charges of said children; provided, however, that such transportation shall be over regular lines, at not to exceed regular fares and no subsidy; provided, also, that transportation lines shall have the privilege of establishing such school fares not to exceed the regular fare, as may be agreed upon by the officials of said transportation lines and the school board or school committee of the town or city of which said islands are a part. Towns shall receive in trust and faithfully expend gifts and bequests made to aid in the maintenance of free high schools, and shall receive aid in such cases to the same extent and on the same conditions as if such schools had been established and maintained by taxation; and any town shall receive such state aid on any expenditure for a free high school or schools, made from the funds or proceeds of the real estate of an academy or incorporated institution of learning, surrendered or transferred to such town for educational purposes; but if any part of the money so paid by the state is expended for any other purpose than the support of such free high schools, as provided by this section, then each person so misapplying said money forfeits double the sum so misapplied, to be recovered in an action of debt, in the name and to the use of the town, by any inhabitant thereof; and no town shall receive further support from the state for any free high school, until the amount so received, but misapplied, has been raised and expended for such free high school by such town.

Sec. 87. Free high school precincts, their organization, and continuance from year to year; sections of adjoining towns may organize precincts. R. S. c. 16, § 79. The inhabitants of any section of a town which fails or neglects to provide for the maintenance of free high schools, may organize a free high school precinct in the manner hereinafter provided, and may establish and maintain a free high school therein, and receive state aid the same as the town might have done; provided, that no more than two such free high schools shall be established in any town, and that the amount of aid extended to the precincts in any town shall not exceed the sum that the town might have received. On petition of any five voters resident in said section, reciting the limits of the precinct proposed, the municipal officers of the town shall call a meeting of the voters within said limits by causing notices, specifying the time, place, and purposes of said meeting, to be posted in two or more conspicuous places within said limits seven days

before the time appointed. Said meeting shall choose a moderator and a clerk who shall be sworn, and shall, by a majority vote of those present and voting, determine whether said precinct shall be organized. It shall choose an agent who shall be duly sworn. Such precinct may continue its organization from year to year by the holding of meetings called in the manner aforesaid, so long as the town shall neglect or refuse to support a free high school. Sections of adjoining towns may organize as herein provided, and unite in the support of such schools. But no more than two such precincts shall exist at the same time in any town.

Sec. 88. Location of school; schoolrooms, how supplied and furnished. R. S. c. 16, § 80. Any town, precinct, or union of towns or precincts, voting to establish a free high school as herein provided, may locate the same permanently, or vote that the terms thereof be held alternately in such places within the town or towns, precinct, or precincts, as may be selected, and as may accept said school. The town or precinct, in which said school is thus held, shall supply appropriate equipments, and furnish and warm a suitable building for the same; provided that any schoolhouse within such town or precinct may be used for such free high school, when not required for ordinary school purposes.

Sec. 89. Course of study; schools to be free to youth in any town or union of towns, precincts or union of precincts; admission of pupils from without towns or precincts. R. S. c. 16, § 81. The course of study in the free high schools shall embrace the ordinary English academic studies which are taught in secondary schools, especially the natural sciences in their application to mechanics, manufactures, and agriculture; but the ancient or modern languages and music shall not be taught therein except by direction of the superintending school committees having supervision thereof. Such schools, when established by any town or union of towns, shall be free to all the youth in such town or towns who have such scholastic attainments as will fit them to attend such schools with profit, and the superintendent, or superintending school committee, having supervision thereof shall make such examination of candidates for admission to said schools as they consider necessary.

When such school is established by any precinct or union of precincts, it shall be free in the same manner to the scholars within such precincts, and open also to scholars passing the required examination from without such precincts, but within the towns in which said precincts are situated, on payment to the agent of the precinct in which such school is located, of such tuition, to be fixed by the superintending school committee or committees having supervision of the same, as is equivalent to the cost per scholar of maintaining such school, after deducting the aid extended by the state. Whenever in the judgment of the superintending school committees having the supervision of any free high school or schools the number of pupils in the same may be increased without detriment, scholars from without the towns directly interested in such school or schools, may be admitted to the same on passing the required examination and paying such tuition as may be fixed by such committee, to the treasurer of the town in which the school is kept, when the school is maintained by a town or union of towns, or to the agent of the precinct in which the school is kept, when such school is maintained by a precinct or union of precincts.

Sec. 90. Free high schools subject to the school laws, except in certain cases; their management and supervision. R. S. c. 16, § 82. 1921, c. 91. Free high schools, established and maintained under the foregoing provisions, are subject to the laws relating to common schools, so far as applicable, except as otherwise provided. When established and maintained by a town, they shall be under the

CHAP. 19

supervision and entire management of the superintending school committee of such town. When established and maintained by a union of towns, such school shall be under the supervision and entire management of the school committees of such towns, who constitute a joint board for that purpose. When established and maintained by any precinct, such school shall be under the supervision of the superintending school committee of such town, or of the state commissioner of education, when the precinct so elects, and under the financial management of the agent of the precinct, who, in connection with said committee or commissioner, shall employ teachers for the same. When established and maintained by precincts composed of sections of adjoining towns, such school shall be under the supervision of the superintending school committees of such towns, who constitute a joint board for that purpose, and under the financial management of the agents of both precincts, who, in connection with said committees, shall employ the teachers.

Sec. 91. Towns may raise money to maintain free high schools. R. S. c. 16, § 83. 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 schoolhouses.

Sec. 92. Provisions for pupils in towns having no free high schools. R. S. c. 16, § 84. 1923, c. 77. Any town which does not maintain a free high school of standard grade may, from year to year, authorize its superintending school committee to contract with and pay the superintending school committee of any adjoining town or the trustees of any academy located within such town or in an adjoining town, for the schooling of pupils within said town in the studies contemplated by section eighty-three of this chapter. When the amount to be paid under the contract shall equal or exceed the income of the academy for the preceding year, exclusive of sums paid said academy by the contracting town, a joint committee shall be formed consisting of the superintending school committee of said town and an equal number of the trustees of the academy. Said joint committee shall be empowered to select and employ the teachers for the academy, to fix salaries, to arrange the course of study, to supervise the instruction, and to formulate and enforce proper regulations pertaining to other educational activities of the school. The superintendent of schools of the contracting town in which the academy is located shall be secretary ex officio of the joint committee and shall be assigned such supervisory duties in connection with the school as the joint committee shall determine upon. When a town has made a contract as provided for in this section, the tuition liability of said town shall be the same as if a free high school were maintained in accordance with section eighty-three of this chapter, and the expenditure of any town for schooling of pupils as provided in this section shall be subject to the same conditions and shall entitle such town to the same state aid as if it had made such expenditure for a free high school.

Sec. 93. A youth residing in town not supporting a secondary school may attend such school elsewhere; tuition to be paid by town; free tuition while youth maintains satisfactory standards. R. S. c. 16, § 85. 1917, c. 229. 1919, c. 96. 1927, c. 176. Any youth who resides with a parent or guardian in any town which does not support and maintain a standard secondary school may attend any approved secondary school to which he may gain entrance by permission of those having charge thereof, provided the said youth shall attend a school or schools whose courses are approved by the state commissioner of education, and in such case the tuition of said youth, not to exceed one hundred dollars annually for any one youth, shall be paid by the town in which he resides as afore-

said, and said tuition so paid, shall be made a part of the high school fund of the town receiving the same; and towns shall raise annually, as other school moneys are raised, a sum sufficient to pay such tuition charges; provided, however, that no youth shall be entitled to free tuition under the provisions of this section unless he shall have satisfactorily passed an examination in common school branches, said examination having been given under the direction of the superintendent of schools of the town wherein such youth resides, on papers procured from the state commissioner of education, or unless such youth shall have satisfactorily completed a standard common school course of study which has been approved by the state commissioner of education; except that any youth who has satisfactorily completed the course of a B class or junior high school, as provided by section eighty-three, shall be entitled to his free tuition, as hereinbefore provided, for the completion of the four years of a standard secondary course without the examination herein prescribed; provided, further, that such free tuition privilege shall continue only so long as said youth shall maintain a satisfactory standard of deportment and scholarship. Any youth who otherwise meets the requirements of this section with reference to admission to secondary schools shall be entitled to the payment of his tuition, as herein provided, in any high school of the B class or junior high school for such part of the course of such high school as may be approved as equivalent in grade to the corresponding years of a standard secondary course. Superintendents of schools shall issue certificates of free tuition privilege to persons who may be entitled to free tuition under the provisions of this section. Any school receiving tuition pupils under the provisions of this section shall provide, without additional charge, all text-books, apparatus, and appliances used by said pupils, subject to the provisions of sections twenty-two to twenty-four, inclusive, of this chapter.

See § 206. 100 Me. 549; *101 Me. 553.

Sec. 94. Returns to state commissioner of expenditure for free high schools; state commissioner to certify amounts to which towns are entitled; appeal to governor and council; penalty for defrauding state. R. S. c. 16, § 87. 1921, c. 163. Superintendents shall, annually, before the first day of July, make returns under oath to the state commissioner of education on blanks prepared and sent out by him, of the amount appropriated and the amount expended by each town or precinct for instruction in such free high schools during the current year; also of the amount appropriated and the amount expended for common school purposes by each town maintaining the same; the number of weeks during which such schools have been taught; the wages paid each teacher; the number of pupils registered, the average attendance, and the number of pupils in each branch of study pursued, and the amount received for tuition. If the state commissioner is satisfied that the provisions of sections eighty-three to ninety-two have been complied with, he shall certify to the governor and council the sum which each town or precinct is entitled to receive from the state; provided that in case any town has failed to comply with any of said provisions by reason of circumstances beyond its control he may, after proper investigation, certify such part of the high school aid as circumstances may justify. Any town or precinct, dissatisfied with his decision, may appeal to the governor and council, and the governor and council shall issue a certificate to the treasurer of the town or agent of the precinct, for such amount as they adjudge such town or precinct entitled to receive from the state treasury. Any person connected with the management of such free high schools, either as teacher, agent, or superintendent, who in any way aids or abets in defrauding the state into the payment

CHAP. 19

in support of said schools of more than is contemplated by this chapter, shall be punished by a fine of not less than five hundred dollars, or by imprisonment for not less than one year.

Sec. 95. High school precinct taxes, how assessed and collected. R. S. c. 16, § 88. When a free high school precinct votes to raise money for establishing and maintaining a free high school, its clerk shall forthwith, or within the time prescribed by the precinct, certify the amount thereof to the assessors of the town, and the time when it must be raised; and within sixty days after receiving such certificate they shall assess it as they do town taxes, on the polls and estates of the residents and owners in the precinct at the time of raising said money, whether wholly in their town or not, and on the non-resident real estate in the precinct. They shall then make their warrant in due form of law, directed to any collector of their town, if any, if not to a constable, requiring him to levy and collect such tax and pay it to the town treasurer within the time limited in the warrant; and they shall give a certificate of the assessment to such treasurer, and may abate such taxes as in the case of town taxes.

12 Me. 258; 15 Me. 260; 28 Me. 203; 31 Me. 284; 35 Me. 397; 39 Me. 187; 41 Me. 505; 51 Me. 102; 60 Me. 280; 74 Me. 411.

Sec. 96. Assessors authorized to assess overlay. R. S. c. 16, § 89. The assessors may include in their assessment such sum over and above the sum committed to them to assess, not exceeding five per cent thereof, as a fractional division renders necessary, and certify that fact to the town treasurer.

Sec. 97. Expense of assessment. R. S. c. 16, § 90. The town treasurer shall pay the expense of assessing and collecting any free high school precinct tax out of the money of the precinct, upon the order of the selectmen.

73 Me. 181.

Sec. 98. Precinct taxes assessed without authority. R. S. c. 16, § 91. Section thirty-one of chapter fourteen and all other sections relating to the same subject apply to taxes assessed by or for free high school precincts, so far as applicable; but the precinct and not the town is liable.

77 Me. 415.

Sec. 99. Powers and duties of collectors; their compensation. R. S. c. 16, § 92. The collector or constable, and the town treasurer, or treasurer and collector, if one person is both, each have the same powers and are subject to the same duties and obligations in relation to free high school precinct taxes, as to town taxes; and they and the assessors shall be allowed by the precinct for their services a compensation proportionate to what they receive from the town for similar services.

31 Me. 281; 41 Me. 247; 67 Me. 240.

Sec. 100. Money at disposal of agent. R. S. c. 16, § 93. The money so raised and paid shall be at the disposal of the precinct agent, to be by him expended as provided in section ninety.

Sec. 101. Trustees of academies, etc., may surrender property to establish free high schools. R. S. c. 16, § 94. The trustees of any academy or other corporation formed for educational purposes may by a majority vote of such of said trustees as reside in the state, surrender the whole, or any part of the property belonging thereto, to the municipal officers of any town, or the trustees of any school fund in any town in which said academy or corporation is situated, for turning the same into a free high school as hereinafter provided, and said municipal officers or trustees, for the time being, shall be a board of trustees to take and hold said property for maintaining a free high school; and upon receiving said property, they shall use proper diligence to make the same produce income for the support of said free high school.

Sec. 102. Property, how conveyed. R. S. c. 16, § 95. When such vote is so passed, the treasurer of said trustees shall convey, assign, and deliver to the municipal officers of said town, or the trustees of such fund, all property belonging to said academy or corporation for the purposes indicated by the preceding section.

Sec. 103. Income of property, how applied; qualifications of pupils, how determined. R. S. c. 16, § 96. The municipality accepting the property in trust, as named in section one hundred one, shall apply the income thereof towards the support of a free high school to be kept within said municipality, within the requirements of the laws relating to the establishment and maintenance of free high schools, and provide suitable accommodations for the same; the superintending school committee in said municipality shall determine the qualifications necessary to entitle any applicant to enter or attend said free high school, and no one shall attend it without certificate of said officers to that effect.

Sec. 104. Tuition to be paid by non-residents. R. S. c. 16, § 97. All scholars residing within the municipality aforesaid, having such certificate, may attend said school without tuition fee, and all scholars not residents of said municipality may attend said school upon such terms and conditions as said superintending school committee may impose.

Sec. 105. State aid to academies. R. S. c. 16, § 98. 1929, c. 318.

I. Whenever it shall be made to appear to the governor and council, from returns made as herein provided, that any incorporated academy in the state is prepared to give instruction equivalent to that required by law to be given in free high schools, that the pupils attending the said academy are qualified to receive such instruction, and that the teachers in the said academy have the qualifications fitting them to give instruction in secondary school studies, such academy shall be entitled to receive annually from the state a sum not exceeding five hundred dollars in case it maintains an English secondary school course of study as prescribed by the state commissioner of education, or a sum not exceeding seven hundred and fifty dollars in case it maintains in addition to an English course, a college preparatory course, or a sum not exceeding one thousand dollars in case it maintains an English course, a college preparatory course, and a training course for teachers; provided, that the courses of study herein named shall be subject to the approval of the said commissioner, and provided, that the amount paid by the state to any academy under this subdivision shall be expended by the said academy for instruction during the year for which payment is made, and shall not exceed the total income of the said academy from all other sources; and provided, further, that in addition to the amount received from the state, a sum equal thereto shall be expended for instruction and maintenance of the academy during said year; and provided, further, that every academy receiving money from the state under this subdivision shall provide instruction as contemplated by this subdivision for not less than thirty weeks in each year; and provided further, that no academy shall be credited with maintaining a course of study under this subdivision unless the said academy shall have an average of not less than twelve students in said course.

II. For the purpose of placing the academies and institutions of the state which provide instruction beyond the secondary schools but less than four years of college, on an educational basis with definite financial aid, the commissioner of education, with the approval of the governor and council, is authorized to issue to such academies as come within the provision set up by the statutes, and in addition to the provisions above stated, and in the same manner, funds as follows: academies with an enrolment of from twenty to forty pupils, twenty

dollars per capita; forty-one to sixty pupils, eighteen dollars per capita; sixty-one to eighty pupils, sixteen dollars per capita; eighty-one to one hundred pupils, fourteen dollars per capita; one hundred and one to one hundred and fifty pupils, twelve dollars per capita; one hundred and fifty-one to two hundred pupils, ten dollars per capita; over two hundred pupils, eight dollars per capita; provided, when a slight increase in attendance would cause an institution to receive a reduced amount, the commissioner of education shall have authority to make an adjustment. In addition to the sums required for distribution on the above provision, the commissioner of education shall issue such amounts and to such institutions as may be directed by the legislature, but in no case shall the amounts distributed to the academies of the state, automatically or by resolve, exceed the amount provided herein, and there shall be appropriated annually one hundred five thousand dollars to be deducted from the state school fund. It shall be the duty of the commissioner of education to furnish to the education committee of the legislature biennially, and at such times as it may require, a statement of the sums necessary for distribution under the provisions of this subdivision so that the legislature may know the amount available as an adjustment fund within the sum provided. Provided, the restrictions of sections one hundred seven, one hundred eight, one hundred nine, and one hundred ten shall not apply to the distribution of the per capita allowances or the adjustment fund; provided, further, no academy which was not recognized for state aid in nineteen hundred and twenty-eight shall be eligible to share in the per capita allowance. Institutions having incomes of over twenty-five hundred dollars from invested funds shall not receive per capita allowance but may share in the adjustment fund.

Sec. 106. Mode of payment. R. S. c. 16, § 99. The governor and council may draw warrants on the treasurer of state for the payment annually to the legal representatives of such academies as shall be entitled to receive money from the state under the preceding section, at the times and in the manner provided by law for the payment of money in aid of free high schools, of the amounts to which they shall be severally entitled thereunder; provided, that no payment shall be made to any academy until the state commissioner of education shall have certified to the governor and council all the facts which by law are made necessary to entitle an academy to receive money from the state under the preceding section.

Sec. 107. Condition of state aid. R. S. c. 16, § 100. No town shall receive state aid under the provisions of section ninety-two of this chapter if a free high school of standard grade is maintained in such town.

Sec. 108. Incorporation. R. S. c. 16, § 101. No academy shall receive state aid under subdivision I of section one hundred five unless incorporated prior to May one, nineteen hundred and seven.

Sec. 109. Attendance. R. S. c. 16, § 102. No academy shall receive state aid under subdivision I of section one hundred five unless the average attendance in said academy for the year preceding or for five years next preceding, shall exceed thirty students, and no academy shall receive to exceed five hundred dollars unless the average attendance in said academy for the year preceding shall exceed sixty students.

Sec. 110. Income. R. S. c. 16, § 103. 1929, c. 236. No academy shall receive state aid under subdivision I of section one hundred five if said academy has an annual income from invested funds exceeding three thousand dollars; and no academy shall receive state aid under the provisions of said subdivision

I of section one hundred five to exceed five hundred dollars in any given year provided the said academy has an annual income from invested funds exceeding one thousand dollars; provided, however, that any academy with a larger average attendance than two hundred shall receive such aid not to exceed one thousand dollars if its annual income from invested funds, after deducting interest paid on its indebtedness, does not exceed three thousand dollars.

Sec. 111. Institutions receiving state aid to make report to state commissioner of education; construction of terms. R. S. c. 16, § 104. 1919, c. 117. Every educational institution receiving state aid, and the officers and teachers of every academy receiving money from the state, and of every academy or private school approved for attendance or tuition purposes, shall annually, on or before the first day of August, report to the state commissioner of education the total and average attendance, an account of the moneys received and expended during the preceding year, and the number of instructors, and such schools as are approved for state aid or tuition purposes shall report such other items as he may require. Such reports shall be published in the annual report of the state commissioner. Every such educational institution failing to comply with the above requirements shall forfeit whatever aid or assistance it would otherwise receive from the state. Wherever in sections one hundred five to one hundred eleven, inclusive, the word "academy" occurs, it shall be construed to include "seminary or institute."

University of Maine.

Sec. 112. State commissioner of education ex officio member of board of trustees of University of Maine. 1923, c. 205. As the state is providing large appropriations for the support of the University of Maine, the state should have a more direct connection with its affairs both financial and educational, therefore, it is provided that the state commissioner of education shall be ex officio a member of the board of trustees of the University of Maine with all of the powers and privileges of members and that his membership on said board shall be coetaneous with his term of office as state commissioner of education.

Sec. 113. Full time treasurer at University of Maine; compensation. 1921, c. 151, § 1. The trustees of the University of Maine shall appoint a full time treasurer, who shall give bond for the faithful performance of his duties in such amount and with such conditions and sureties, and shall receive such compensation as the governor and council may determine.

Sec. 114. Duties and powers of treasurer. 1921, c. 151, § 2. The treasurer shall have full charge of the purchase of all supplies, material, and equipment for the use of the university, of all moneys received, and of all expenditures, said payments to be made when certified by the state auditor, and said treasurer shall have no authority to contract debts or obligations in excess of said appropriation, nor under any conditions use moneys so appropriated for the benefit of any other college or colleges, unless the same is duly and properly authorized by the governor and council.

Sec. 115. Treasurer's report. 1921, c. 151, § 3. The treasurer shall prepare a complete report for the periods ending on June thirtieth and December thirty-first of each year, and forward a copy of said semi-annual report of the colleges to the governor and council and also the board of trustees.

Sec. 116. Resident auditor to be appointed by state auditor. 1921, c. 151, § 4. The state auditor shall appoint a resident auditor for the University of Maine, whose duties shall be to audit the accounts, and perform such other work as may

be required of him by the state auditor, and under his direction, suitable office quarters to be furnished by the university. The salary and just expenses of the resident auditor to be paid from the state auditor's appropriations.

Sec. 117. Mill tax to be assessed to support University of Maine. 1929, c. 11, § 1. A tax of one mill on a dollar shall annually be assessed upon all the property in the state according to the valuation thereof and shall be known as the mill tax for the support of the University of Maine.

Sec. 118. Tax to be assessed and collected as other taxes; to form University of Maine fund. 1929, c. 11, § 2. This tax shall be assessed and collected in the same manner as other state taxes and be paid into the state treasury and designated as the University of Maine fund.

Sec. 119. University of Maine fund to be in lieu of all other state support except trust funds held by state. 1929, c. 11, § 3. This fund shall be disbursed by the treasurer of state upon proper order of the trustees of the University of Maine upon requisition approved by the governor and council. This fund shall be in lieu of all other state support, except trust funds held by the state for the benefit of the university and from said fund the trustees shall provide for the necessary buildings, equipment and maintenance of all departments of the university. From said fund shall also be paid such moneys as may be necessary to meet federal requirements in connection with said university.

Duties and Qualifications of Instructors. Degrees. Holidays.

Sec. 120. Presidents of colleges, tenure of office. R. S. c. 16, § 105. Presidents of colleges are removable at the pleasure of the trustees and overseers whose concurrence is necessary for their election.

Sec. 121. Conferring literary or academic degrees without authority of legislature prohibited; penalty. 1923, c. 99. 1929, c. 90. No person, partnership, or institution and no corporation shall be empowered to confer educational, literary, or academic degrees unless thereunto expressly authorized by an act of the legislature. Any person, partnership, institution, or corporation offering or conferring degrees, or purporting to offer and confer degrees, without being thereunto duly authorized, shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than eleven months, or by both such fine and imprisonment.

Sec. 122. Fees for degrees conferred. R. S. c. 16, § 106. No officer of a college shall receive as perquisites any fees for a diploma or medical degree conferred by such college, but such fees shall be paid into the college treasury.

Sec. 123. Teachers to keep school register; not to be paid until register is completed. R. S. c. 16, § 107. 1919, c. 55. Every teacher of a public school shall keep a register thereof, containing the names of all scholars who enter the school, their ages, the dates of each scholar's entering and leaving, the number of days during which each attended, the length of the school, the teacher's wages, a list of text-books used, and all other facts required by the blank forms furnished him. Such register shall at all times be open to the inspection of the superintending school committee, and be returned to them at the close of the school. Teachers may be paid for their services at the close of each school month, or at such shorter intervals as the committee may determine, but no teacher shall receive final payment for services for any term until the register herein described, properly filled, completed, and signed, is deposited with the school committee, or with the person designated by them to receive it. Five days constitute the school week, and four weeks a school month.

See c. 54, § 39; 63 Me. 244.

Sec. 124. Instructors of colleges, etc., to inculcate certain virtues; kindness to birds and animals to be taught in public schools. R. S. c. 16, § 108. 1917, c. 228. The presidents, professors, and tutors of colleges, the preceptors and teachers of academies, and all other instructors of youth, in public or private institutions, shall use their best endeavors to impress on the minds of the children and youth committed to their care and instruction, the principles of morality and justice, and a sacred regard for truth; love of country, humanity, and a universal benevolence; sobriety, industry, and frugality; chastity, moderation, and temperance; and all other virtues which ornament human society; and to lead those under their care, as their ages and capacities admit, into a particular understanding of the tendency of such virtues to preserve and perfect a republican constitution, secure the blessings of liberty, and to promote their future happiness; and the tendency of the opposite vices, to slavery, degradation, and ruin; all teachers in the public schools of the state shall devote not less than one half hour of each week of the school term to teaching to the children under their charge, in correlation with other studies of the school curriculum, the great principles of humanity as illustrated by kindness to birds and animals and regard for all factors which contribute to the well being of man.

78 Me. 511.

Sec. 125. Readings from scriptures in public schools; no sectarian comment or teaching. 1923, c. 166. To insure greater security in the faith of our fathers, to inculcate into the lives of the rising generation the spiritual values necessary to the well being of our and future civilizations, to develop those high moral and religious principles essential to human happiness, to make available to the youth of our land the book which has been the inspiration of the greatest masterpieces of literature, art, and music, and which has been the strength of the great men and women of the Christian era, there shall be, in all the public schools of the state, daily or at suitable intervals, readings from the scriptures with special emphasis upon the Ten Commandments, the Psalms of David, the Proverbs of Solomon, the Sermon on the Mount, and the Lord's Prayer. It is provided further, that there shall be no denominational or sectarian comment or teaching, and each student shall give respectful attention but shall be free in his own forms of worship.

Sec. 126. First Friday in March Temperance day; state commissioner to prepare material; school teachers to comply with provisions. 1921, c. 109, §§ 1, 2. The first Friday in March of each year or the school day in each year nearest that date shall be designated as Temperance day, and in every public school in the state of Maine not less than forty-five minutes of the school session shall be set apart and used for instruction and appropriate exercises relative to the history and benefits of prohibition and prohibitory laws; said schools to continue their work so far as practicable during the remainder of the day.

It shall be the duty of the state commissioner of education to prepare suitable material for the observance of Temperance day. It shall be the duty of all school officials in the several towns of the state and all public school teachers within the state to comply with the provisions of this section.

Sec. 127. School holidays; special observance of Washington's birthday and Columbus day. R. S. c. 16, § 109. 1923, c. 50. The following days shall be observed as school holidays, namely: Washington's birthday, February twenty-two; Patriot's day, April nineteen; Memorial day, May thirty; Independence day, July four; Labor day, first Monday in September; Columbus day, October twelve; Armistice day, November eleven; Christmas day, December twenty-five; Thanksgiving and Arbor day, as appointed by the governor and council: pro-

vided, however, that Arbor day shall not be recognized as a school holiday unless observed by teacher and pupils for the purpose for which it is designated by the governor and council; and provided, further, that Lincoln day shall be observed by devoting some part of the day to the study of the life and character of Abraham Lincoln. All teachers of public schools in the state may close their schools and draw pay the same as if their schools had been in session on any of the following days: Patriot's day, April nineteen; Memorial day, May thirty; Independence day, July four; Labor day, first Monday in September; Armistice day, November eleven; Christmas day, December twenty-five; Thanksgiving day, as appointed by the governor and council. When any one of the above named holidays falls on a Sunday, the Monday following shall be observed as a school holiday, with all the privileges applying to any of the days above named. In addition to the foregoing each of the days hereinafter named shall, upon vote of the superintending school committee of any town, be observed by teachers and pupils of the public schools of said town by an exercise appropriate thereto, such exercise to be held during such part of the school session as the teacher of each school may designate. The exercises so held shall aim to impress on the minds of the youth the important lessons of character and good citizenship to be learned from the lives of American leaders and heroes and from a contemplation of their own duties and obligations to the community, state, and nation of which they constitute a part. In the absence of any vote of the superintending school committee, said days, hereinafter designated, shall be observed as legal school holidays with the closing of schools. The days thus designated for school observance upon vote of the superintending school committee of any town shall be as follows: Washington's birthday, February twenty-two; Columbus day, October twelve.

Teachers' Associations.

Sec. 128. Teachers and school officers may form associations for improvement in the art of teaching. R. S. c. 16, § 110. 1917, c. 60. 1919, c. 45. Whenever not less than thirty of the teachers and school officers of any county shall have formed an association under rules of government approved by the state commissioner of education for the purpose of mutual improvement in the science and art of teaching, and of creating popular interest in, and diffusing a knowledge of the best methods of improving our public school system, by the holding of conventions at least once every year under the supervision of the state commissioner, the state shall defray the necessary expenses attending the holding of such conventions. Whenever a superintendent of schools shall hold a meeting or institute of the teachers of several towns for the purpose of giving instruction in methods of teaching or the conduct of schools or for the training of teachers already in service in a manner approved by the state commissioner of education, financial assistance may be given by the state in defraying the expenses of such meetings. For the purpose of this section the sum of four thousand dollars shall be annually appropriated to be deducted and set aside therefor by the treasurer of state from the annual school fund of the state.

Sec. 129. Teachers may suspend schools during conventions. R. S. c. 16, § 111. Teachers of public schools may suspend their schools for not more than two days in any year during the sessions of such conventions within their counties and also for not more than two days in any year during the sessions of any state teachers' convention approved by the state commissioner of education, unless otherwise directed in writing by the school officers, and attend said conven-

tions without forfeiture of pay for the time of such attendance, provided they shall present to the officers employing them, certificates signed by the secretaries of such conventions and countersigned by the state commissioner of education, showing such attendance.

Sec. 130. Governor to draw warrants to pay expenses. R. S. c. 16, § 112. The governor and council may draw warrants on the treasurer of state for the payment of bills for the expenses provided for in section one hundred twenty-eight, when such bills shall have been approved by the state commissioner of education, provided, however, that no bills shall be so paid except those for advertising such conventions, and for services and actual traveling expenses of speakers and lecturers not residing in the counties in which such conventions are held.

Schools in Plantations and Unorganized Territory.

Sec. 131. Powers of plantations to maintain schools. R. S. c. 16, § 113. Plantations have the same powers and liabilities as towns for electing superintending school committees, superintendents of schools, treasurers, and collectors, and for raising, assessing, and collecting school money, to be apportioned and expended as in towns. The assessors of plantations may take a census of the inhabitants thereof, at the expense of the plantation, and when so taken, the money raised therein for schools shall be upon the basis of such census and not upon the census of the state.

See c. 5, § 194; 61 Me. 449.

Sec. 132. School moneys of plantations, how expended. R. S. c. 16, § 114. All moneys due plantations from the state treasury for school purposes shall be paid to the treasurers of such plantations, under the same conditions as in case of towns, and the same shall be expended by such plantations, under the same restrictions and limitations as are required of towns.

Sec. 133. Children between five and twenty-one in unorganized territory entitled to school privileges; term "unorganized territory" defined. 1919, c. 127, § 1, ¶ 1. All children between the ages of five and twenty-one years who reside with a parent or legal guardian in unorganized territory within this state shall be entitled to school privileges which shall be provided under the direction of the state commissioner of education under such rules and regulations as may be made from time to time by him and approved by the governor and council. Within the meaning of sections one hundred thirty-one to one hundred forty-six, unorganized territory shall include all territory not a part of any city, town, or plantation, and an unorganized unit shall be any unorganized township, gore, strip, tract, surplus, point, patent, peninsula, island, disorganized town or plantation or any other distinct and separate portion of unorganized state territory.

Sec. 134. Elementary schools to be established or children sent to schools already established; tuition; transportation; board. 1919, c. 127, § 1, ¶ 11. Elementary school privileges may be provided by the state commissioner of education by establishing and maintaining in the unorganized territory such elementary schools, the minimum school year of which shall be thirty weeks, as may seem advisable and by sending such children to elementary schools anywhere within the state as tuition pupils as he may deem expedient. All children so sent by the state commissioner as tuition pupils to any public elementary school in the state shall be admitted by the school authorities having charge thereof upon receiving notice of such intention from the state commissioner or any of his duly authorized agents and they shall be entitled to all privileges and

CHAP. 19

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

Sec. 135. State to pay tuition in secondary school. 1919, c. 127, § 1, ¶ III. 1921, c. 149. Any youth who resides with a parent or legal guardian in the unorganized territory of this state and who may be judged by the state commissioner of education qualified to enter a secondary school may attend any such school in the state to which he may gain entrance by permission of those having charge thereof, provided said school shall be of standard grade approved by the state commissioner of education. In such case the tuition of said youth, not to exceed the same amount towns not supporting and maintaining a standard secondary school are required by law to pay annually for secondary school tuition, shall, provided a satisfactory standard of scholarship and deportment is maintained, be paid by the state under such rules and regulations as may be made by the state commissioner of education.

Sec. 136. State to cooperate with U. S. government for schooling of children on government reservation. 1919, c. 127, § 1, ¶ IV. Special arrangements may be made to provide elementary school privileges in cooperation with the United States government for a child or children residing with a parent or legal guardian at any light station, fog warning station, life saving station, or other place within a United States government reservation, under such rules and regulations as may be made by the state commissioner of education and approved by the governor and council.

Sec. 137. \$35,000 annually to be set aside from school funds; how expended. 1919, c. 127, § 2. For the purpose of carrying out the provisions of the four preceding sections, there shall be appropriated the sum of thirty-five thousand dollars annually, which sum shall be deducted and set aside therefor by the treasurer of state from the annual school funds of the state. All of this appropriation not expended during any financial year, shall, on the first day of July next following, be added to the permanent school fund. The state commissioner of education is authorized to use this appropriation for any purpose in connection with the schooling of children in the unorganized territory of the state, including: teachers' salaries, board and traveling expenses; fuel and janitor service; tuition, board, and transportation of elementary school pupils; secondary school tuition; text-books, school apparatus and supplies; erection, equipment, repair, and maintenance of schoolhouses and requisite buildings, all of which schoolhouses shall conform to the minimum requirements for school buildings as provided by section fourteen; lots for school buildings or leases thereof; services and expenses of agents and attendance officers, and clerical assistance; and any other expenses he may deem necessary.

Sec. 138. Census to be procured before school privileges provided. 1919, c. 127, § 3. Before school privileges are provided in accordance with sections one hundred thirty-three to one hundred thirty-six for a child or children in any unorganized unit, it shall be the duty of the state commissioner of education through his agents to procure returns showing an assessment of the school tax as provided in section one hundred thirty-nine, and the number of persons, including the names and ages of those between five and twenty-one years, resident therein, together with such other information as he may deem necessary, and

similar returns shall be required by him annually thereafter on the first day of April, or corrected to the first day of April, as long as school privileges are so provided.

Sec. 139. Special school tax to be assessed on male residents. 1919, c. 127, § 4. Whenever school privileges are first provided in accordance with sections one hundred thirty-three to one hundred thirty-six for a child or children resident in any unorganized unit and annually thereafter on the first day of April as long as school privileges are provided, all male residents of such unorganized unit twenty-one years of age and over shall be assessed and shall pay to the state commissioner of education or his duly authorized agent a school tax of three dollars. The obligation to pay this tax shall in no way be removed in case a resident pays or has paid a poll-tax in a town. The state commissioner of education shall have authority to abate said tax in any case when conditions appear to warrant such action. All of said taxes so collected by agents shall be remitted by them to the said commissioner, who shall transfer such taxes to the treasurer of state to be credited to the appropriation for schooling in unorganized territory.

Sec. 140. School agents and attendance officers may be appointed; duties. 1919, c. 127, § 5. The state commissioner of education shall have authority to appoint agents for the whole and any portion of the unorganized territory, and said agents shall perform such duties in connection with the schooling of children, including the assessing and collecting of the school tax, as the state commissioner may authorize or delegate in each particular appointment. Said agents in the collection of the school tax aforesaid shall have the same powers and may use the same methods as collectors of taxes in towns are authorized to exercise and use for the collecting of personal and poll-taxes committed to them; said agents shall act as attendance officers for the territory covered by their appointment. Special attendance officers as may appear necessary may be appointed by the said commissioner for any unorganized unit. Attendance officers for the unorganized territory shall have the same authority and be under the same obligations as provided in section seventy-nine, with such changes as provided in section one hundred forty-six.

Sec. 141. State may take land for schoolhouses and appraise damages when owner refuses to sell or demands unreasonable price. 1919, c. 127, § 6, ¶ 1. When a location for a schoolhouse and requisite buildings in any unorganized unit has been designated by the state commissioner of education, and the owner thereof refuses to sell, or, in the opinion of the said commissioner asks an unreasonable price for it, or resides without the state and has no authorized agent or attorney therein, the said commissioner or his duly authorized agent, any time after thirty days from the time of notifying the said owner of the designation of said lot, may lay out a schoolhouse lot, not exceeding three acres, and appraise the damages; and on payment or tender of such damages, or if said owner does not reside in the state, upon depositing such damages with the treasurer of state for his use, may take such lot to be held and used for the purposes aforesaid, and should a school building not be erected thereon within a period of three years from the date the lot was taken by the state it shall revert to the owner, his heirs, or assigns. The said commissioner may take real estate for the enlargement or extension of any location designated for the erection or removal of a schoolhouse and requisite buildings and playgrounds, as herein provided; but no real estate shall be so taken within fifty feet of a dwelling-house, and all schoolhouse lots and playgrounds that require fencing shall be fenced by the state.

CHAP. 19

Sec. 142. Owner of land taken may appeal to state assessors. 1919, c. 127, § 6, ¶ II. If the owner is aggrieved at the location of the lot or the damages awarded, he may apply to the board of state assessors within three months, who may change the location and assess the damages. If the damages are increased or the location changed, the state shall pay the damages and costs; otherwise the costs shall be paid by the applicant.

Sec. 143. When unorganized unit becomes organized, school buildings must be taken over and paid for. 1919, c. 127, § 7. Whenever any unorganized unit becomes organized as a town or plantation, such town or plantation, shall within two years of the date of said organization, through the state commissioner of education, pay to the treasurer of state for each school building within its limits erected or remodeled in accordance with sections one hundred thirty-three to one hundred forty-six inclusive a sum to be determined by the state commissioner of education and not less than two-thirds of the cost to the state of such building, lot, and improvements, which sum shall be credited to the appropriation for schooling in unorganized territory. A record shall be kept by the state commissioner of the cost of all such buildings, lots, and improvements, which shall be used as a basis for such settlement. It is further provided that any town or plantation dissatisfied with the sum determined upon by the said commissioner in such case may, after a vote taken by the town or plantation at a regular or special meeting called for the purpose appeal to the governor and council who shall make the final decision relative thereto.

Sec. 144. School property in unorganized territory to be taken over by state; when town or plantation is disorganized school property to be taken by state. 1919, c. 127, § 8. Any school building in unorganized territory may be used and held for school purposes by the state commissioner of education, and all repairs, changes, or additions thereto shall be made under his direction or that of a duly authorized agent. All school buildings not privately owned in unorganized territory are declared to be the property of the state. Whenever a town or plantation becomes disorganized by act of the legislature all school property therein shall become the property of the state and under the charge of the state commissioner, the same as other school property in unorganized territory.

Sec. 145. When town or plantation fails to elect officers, state to take charge of school property and provide school privileges. 1919, c. 127, § 9. Whenever the civil organization of any town or plantation becomes defunct through failure to hold the annual town or plantation meeting, failure to fill vacancies in necessary offices, or in any other manner, it shall be the duty of the state commissioner of education to assume charge of all school property therein, to require an accounting for all town or plantation school funds, and to provide school privileges for children between five and twenty-one years of age whose parents are residents of such town or plantation, until such time as it shall recover its civil organization or is disorganized by act of the legislature. The state commissioner may provide the school privileges in such manner as he may deem expedient under the supervision of any of the agents of the unorganized territory or a special agent appointed by him for the purpose. The expense of such school privileges shall be paid from the appropriation for schooling in unorganized territory, and in case any such town or plantation recovers its civil organization within a period of two years the amount of any such expense paid by the state shall, upon recommendation of the state commissioner, be deducted by the treasurer of state from any school funds that may subsequently become payable to such town or plantation by the state and credited to the appropriation for schooling in unorganized territory.

Sec. 146. Law as to compulsory school attendance, etc., to be applicable in unorganized territory; state to distribute laws. 1919, c. 127, § 10. The compulsory school attendance laws, child labor laws, and sections sixty and sixty-one and one hundred ninety-six to two hundred, inclusive, shall apply to children of the unorganized territory of the state the same as to the children of cities, towns, and plantations with such changes thereof relative to officials, courts, disposal of fines, etc., as may be made by the state commissioner of education and approved by a justice of the supreme judicial court to make these laws applicable to the unorganized territory while retaining the general principles of the laws; and it shall be the duty of the said commissioner to have these laws, with the changes as made, printed in sufficient quantity for use in the unorganized territory, and to supply to any person making application therefor.

State Commissioner of Education.

Sec. 147. Appointment and term of office. R. S. c. 16, § 120. 1923, c. 5. The governor with the advice and consent of the council shall appoint a state commissioner of education, who shall continue in office three years, or during the pleasure of the executive. Vacancies shall be filled by a new appointment for a like term. Whenever the title "state superintendent of public schools" is used, it shall mean the state commissioner of education.

Sec. 148. Office at the capital. R. S. c. 16, § 121. An office shall be provided for him at the seat of government, where he shall perform his official duties, not meaning, however, to prohibit him from making such necessary journeys and performing such duties as are necessary or incidental to the immediate object of such journey; he shall there preserve all school reports of this state and of other states which he may receive, the returns from the various towns and institutions of learning, and such books, apparatus, maps, charts, works on education, plans for school buildings, models, and other articles of interest to school officers and teachers as may be procured without expense to the state.

Sec. 149. Duties. R. S. c. 16, § 122. 1919, cc. 26, 146. 1921, c. 25. 1925, c. 95. In addition to the duties elsewhere specifically imposed on him his duties are as follows:

I. To exercise a general supervision of all the public schools, and to advise and direct the town committees and superintendents in the discharge of their duties, by circular letters and personal conference, devoting all his time to the duties of his office.

II. To obtain information as to the school systems of other states and countries, and the condition and progress of public school education throughout the world; to disseminate this information, with such practical hints upon the conduct of schools, improved systems of instruction, and the true theory of education as observation and investigation convince him to be important, by public addresses, circulars, and articles prepared for the press, and by outlines, suggestions, and directions concerning the management, discipline, and methods employed in teaching, prepared for and distributed among the teachers of the schools and school officers of the state; and to do all in his power to awaken and sustain an interest in education among the people, and to stimulate teachers to well directed efforts in their work.

III. To take such measures as he deems necessary to secure the holding of a state educational convention once each year, with a view of bringing together the teachers, school committees, school superintendents, and friends of education, for

CHAP. 19

consultation with reference to the interest of public schools and the most approved method of instruction.

IV. To encourage the formation of county teachers' associations, approve rules of government therefor, and to supervise the conduct of conventions held by such associations. He shall also conduct summer training schools for teachers, whenever provision is made by the legislature for holding such schools.

V. To prepare and cause to be printed and distributed such portions of the proceedings of state institutes or teachers' conventions as he deems important in the furtherance of education.

VI. Biennially, as soon as practicable after the adjournment of the legislature, to compile and distribute, in pamphlet form, to the municipal and school officers of the several towns, three thousand copies of the amended school laws of the state; and to prepare and issue thus biennially, such circulars of information and advice to school officers, relating to new school enactments, as he shall deem necessary for the intelligent and effectual enforcement of such enactments.

VII. To prescribe the studies to be taught in the public schools and in private schools approved for attendance and tuition purposes, reserving to superintending school committees, trustees, or other officers in charge of such public or private schools the right to prescribe additional studies, and the course of study prescribed by the state commissioner of education shall be followed in all public schools and in all private schools approved by the said commissioner for attendance or tuition purposes; provided, however, that upon the approval by the said commissioner of any course arranged by the superintending school committee of any town, or by the trustees or other officers of any private school, said course shall be the authorized course for said town or private school; provided, further, that the basic language of instruction in the common school branches in all schools, public and private, shall be the English language; and provided, further, that American history and civil government, including the constitution of the United States, shall be taught in all common schools of elementary and high school grades, both public and private, and that American history and civil government shall be required for graduation from all grammar schools, both public and private. Nothing in this section shall be construed to prohibit the teaching in elementary schools of any language as such.

VIII. To furnish to the school officers of each town, proper blank books in which shall be kept complete and itemized records of all matters relating to moneys appropriated, received, and expended for schools, which said books shall remain the property of the state.

IX. To assume the control and management of all free public schools established and maintained by gifts or bequests, when said gifts or bequests are conditioned upon said state commissioner assuming such control and management; and he shall carry out the provisions upon which such gifts or bequests are conditioned, when said conditions are approved by the governor and council.

X. To perform all duties imposed upon him by any charter or charters granted by the legislature to educational institutions in the state.

XI. Annually, to report to the governor and council the result of his inquiries and investigations, and the facts obtained from the school returns, with such suggestions and recommendations as in his judgment will best promote the improvement of public schools.

XII. To cause an inspection to be made and to report to the school committee his findings and recommendations whenever the superintending school committee or the superintendent of schools of any town, or any three citizens thereof, shall petition him to make an inspection of the schools of said town;

and to prepare a list of standards of buildings, equipment, organization, and instruction, and to give such ratings upon such list of standards to any schools that are inspected under the provisions of this paragraph as their general condition, equipment, and grade of efficiency may entitle them.

Sec. 150. Commissioner to furnish blanks for fiscal returns and to return list of towns making same. R. S. c. 16, § 123. The state commissioner of education shall prepare and furnish to the town officers such blanks as he deems proper to secure the fiscal returns required in section thirty-three. He shall return to the treasurer of state on the first day of July annually, a list of such towns as have made such fiscal returns; and no school moneys shall be paid by the treasurer of state to any town, so long as it neglects to make such returns.

Sec. 151. Commissioner to prepare and forward blanks for school returns. R. S. c. 16, § 124. He shall prepare and print blank forms for all other returns required by law, or deemed by him necessary, and shall, on the first day of each March, forward to the superintendents of schools of the several towns, blanks for the annual school return as provided in section fifty-seven, and shall, on the first day of each May, forward to said superintendents blanks for the returns required by section fifty-eight.

Sec. 152. Notice to delinquent committees. R. S. c. 16, § 125. He shall, on the first day of each June, notify the school committee of any town whose returns were not received at his office in May, and shall, annually, ascertain on the first day of July the number of children between five and twenty-one years of age, in the towns from which returns are received, and furnish a list thereof to the treasurer of state.

State Examination of Teachers.

Sec. 153. State examination of teachers. R. S. c. 16, § 126. The state commissioner of education shall cause to be held at least once each year at such times and at such places as he may designate, public examinations of candidates for the position of teachers in the public schools.

Sec. 154. Tests required. R. S. c. 16, § 127. The examination herein provided for shall test the professional as well as the scholastic abilities of the candidates and shall be conducted by such persons or agents and in such manner as the state commissioner of education may determine. Due public notices of the times, places, and other conditions of the examinations shall be given.

Sec. 155. Certificates issued by state commissioner; knowledge of physiology and hygiene requisite; certificates may be granted without examination; state commissioner to prescribe regulations. R. S. c. 16, § 128. 1919, c. 69, § 1. Certificates of qualification signed by the state commissioner of education shall be granted to all candidates who pass satisfactory examinations in such branches as are required or permitted by law to be taught in the public schools and who in other respects fulfil the proper requirements; provided, however, that no person shall be eligible for a certificate unless he is at least seventeen years of age and has completed not less than a standard secondary school course, or unless he shall present satisfactory evidence of such educational attainment otherwise secured as may be adjudged by the state commissioner of education to be the equivalent of said standard secondary school course. Such certificate shall be either probationary or permanent, and shall indicate the grade of schools which the person named therein is qualified to teach; provided, however, that no certificate of secondary grade shall be granted to any person who has not completed

CHAP. 19

the equivalent of two years of a college or normal school course. No certificate shall be granted to any person to teach in the public schools of the state, who has not passed a satisfactory examination in physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants, and narcotics upon the human system. Provided, however, that the certificate may be granted without the examination herein prescribed to graduates of colleges and Maine state normal schools, or of other normal training schools having a two years' course for graduates of high schools or academies, and to teachers of two years' service and satisfactory fitness, on the presentation of such evidence of fitness and under such special conditions as the state commissioner of education may prescribe. Provided, further, that certificates may, under the rules prescribed by the state commissioner of education, be granted to persons holding state certificates granted by authority of other states. Provided, further, that any certificate granted under this or any preceding law may for sufficient cause be revoked and annulled.

Sec. 156. List of persons certificated to be kept. R. S. c. 16, § 129. A list of persons so certificated shall be kept in the office of the state commissioner of education and copies of the same with such information as may be desired shall be sent to school committees and superintendents upon their request.

Sec. 157. Persons not holding state certificate not to be employed. R. S. c. 16, § 130. 1919, c. 69, § 2. 1925, c. 93. No persons shall be employed to teach in any school under the supervision and control of any school board of any city, town, or plantation of this state, who does not hold a state certificate as herein provided. Provided, further, that all state certificates heretofore granted shall continue in force in accordance with the terms stated therein. The state commissioner of education is hereby authorized to formulate all rules and regulations necessary for the carrying out of the provisions of this section and of the four preceding sections.

Sec. 158. Penalty for teaching without certificate. R. S. c. 16, § 131. Whoever teaches a public school without first obtaining a state teachers' certificate or a temporary teaching permit as herein provided, forfeits not exceeding the sum contracted for his daily wages, for each day he so teaches, and is barred from receiving pay therefor.

Sec. 159. Appropriation. R. S. c. 16, § 132. For the necessary expenses of carrying out the provisions of the six preceding sections there may be annually expended the sum of one thousand dollars, which sum the treasurer of state shall deduct for said purpose from any school money raised for the support of common schools.

Registration of Teachers.

Sec. 160. Teachers may register with state commissioner; lists to be furnished upon request; fee. 1917, c. 137, § 1. Any person holding a state teachers' certificate and any person holding a temporary teaching permit, or eligible to receive such a permit may, upon the payment of three dollars and upon application to the state commissioner of education in such manner as may be prescribed by him, register as a candidate for employment as a teacher in the public schools within the state. It shall be the duty of the said commissioner to furnish to superintending school committees or superintendents of schools, upon request, information relative to persons registered as hereinbefore provided, and to furnish persons thus registered information relative to vacancies in positions in public schools within the state; but neither the said commissioner nor any person employed under his direction shall be held responsible for, nor be understood to

vouch for the fitness or success of any teacher who may secure a position in a public school through the operation of this section, nor shall the acceptance of this enrolment and the payment of the required fee be construed as a guarantee for securing employment as a teacher. The payment of the above fee shall entitle the person registering to the benefit of such registration for a period of three years.

Sec. 161. State commissioner may employ clerical assistance; must furnish bond; fees to be paid into state treasury monthly. 1917, c. 137, § 2. The state commissioner of education shall make the necessary rules and regulations for carrying out the provisions of section one hundred sixty and for obtaining whatever information is required as to the experience, qualifications, and character of persons seeking employment as teachers, and a teacher shall be entitled to consideration for employment only so long as he complies with such rules and regulations. He shall employ such clerical and other assistants as may be required, and they shall perform their duties under the general supervision of said commissioner. He shall collect and receipt for all registration fees, and report and pay said fees to the treasurer of state once in each month. He shall furnish to the state a surety bond in sum to be fixed by the governor and council and at the expense of the state.

Sec. 162. Appropriation; registration fees to be used for administration. 1917, c. 137, § 3. For the necessary expenses of carrying out the provisions of the two preceding sections there may be annually expended the amount of the fees received under the provisions of section one hundred sixty together with such part as may be required of the sum of five hundred dollars, which sum the treasurer of state shall deduct for said purpose from any school money raised for the support of common schools.

Industrial Education.

Sec. 163. Duty of state commissioner of education. R. S. c. 16, § 133. The state commissioner of education shall be charged with the duty of extending the investigation of methods of industrial education; he shall advise and aid in the introduction of industrial courses into free high schools and academies aided by the state, and shall report on all special schools in which industrial education is provided. He shall inspect the courses of study offered in such free high schools and academies, and he shall have authority to approve such courses in all schools aided by the state.

Sec. 164. Manual training to be introduced into all normal schools. R. S. c. 16, § 134. The trustees of the state normal schools shall cause to be introduced into all of the said normal schools such courses in manual arts, domestic science, and agriculture as will enable their graduates to teach elementary courses in those subjects in the rural and grade schools. In not more than one of said schools the course in manual training shall be so extended as to offer opportunity to persons desiring to qualify as special teachers of that branch, and in not more than one the course in domestic science shall be so extended as to offer similar opportunity to persons desiring to qualify as special teachers thereof. For the two special courses thus offered the trustees are authorized to expend annually not more than six thousand dollars, which shall be additional to other sums appropriated for the support of said normal schools and which the treasurer of state shall deduct from the state school fund.

Sec. 165. State aid to towns maintaining manual training in elementary schools. R. S. c. 16, § 135. Whenever the superintendent of schools of any

town shall certify under oath to the state commissioner of education according to a form prescribed by him that instruction in manual training or domestic science has been provided pupils of elementary schools for the year preceding, then upon approval of such certificate by the state commissioner of education, state aid shall be paid to the amount of two-thirds the total salary paid each teacher; provided, that the amount so paid by the state for the employment of any one instructor shall not exceed eight hundred dollars in one year; and provided further, that the appropriation made by the town for this purpose shall be exclusive of any other sum received from the state for the support of common schools and of the minimum requirement raised by the town as prescribed by section sixteen of this chapter; and provided further, that the course of study, equipment, and qualifications of instructors shall have been approved by the state commissioner of education.

Sec. 166. State aid for maintaining manual training in high school or academy. R. S. c. 16, § 136. 1919, c. 93. The superintending school committee having charge of any free high school or the trustees of any incorporated academy may provide for instruction therein in the principles of agriculture and the domestic and mechanic arts. Whenever it shall be made to appear to the governor and council, from returns made as herein provided, that in any free high school or academy instruction has been furnished during the preceding year in the principles of agriculture, the mechanic arts, or domestic science, the governor and council shall direct the treasurer of state to pay to the town supporting such free high school, or to the treasurer of such academy, in addition to other state aid if any, a sum equal to two-thirds the total expenditure for instruction in each of said courses; provided, however, that no school shall receive a total in excess of seven hundred and fifty dollars in any one year for the support of said courses; and provided, that state aid shall not be allowed for any course which has an average attendance of less than twelve students; and, provided further, that such aid shall not be granted unless the course of study, equipment, and qualifications of instructors shall first have been approved by the state commissioner of education.

Sec. 167. State aid to towns maintaining evening schools; Americanization and reducing illiteracy. R. S. c. 16, § 137. 1919, c. 148. Whenever the superintending school committee of any town shall have maintained during the school year an evening school as provided by section twenty-five, said town shall be reimbursed by the state a sum equal to two-thirds the amount paid for instruction in such evening school, provided there shall have been offered, in addition to the subjects elsewhere prescribed for evening schools, courses in the commercial branches, the domestic and manual arts, or the elements of the trades, said courses to be subject to the approval of the state commissioner of education; no town shall be entitled to receive a reimbursement under the provisions of this section, unless the total average attendance in said courses shall equal not less than twenty-five per cent of the average attendance of the school; provided, however, that for the purpose of Americanization and also for the purpose of reducing illiteracy within the state all towns and cities in which there are persons of normal mentality over eighteen years of age who are unable to read, to write, and to speak the English language to a reasonable degree of efficiency, or who are unable to read and to write in any language, are hereby authorized to organize and conduct evening schools or classes in which such persons of foreign birth or foreign extraction shall be given opportunity to learn to read, to write, and to speak the English language and to learn the duties of citizens in a democracy, and also in which illiterates shall be given opportunity to learn to read and to

write and to pursue such other subjects as will increase their civic intelligence. Such schools and classes shall meet the approval of the state commissioner of education in regard to the qualifications of instructors, length of term, and subjects offered, and towns maintaining them shall be reimbursed to the same extent and in the same manner as for other schools and classes set forth in this section.

Sec. 168. State aid to towns maintaining general industrial schools; duty of school committee and superintendent of schools. R. S. c. 16, § 138. The superintending school committee of any town, when authorized by vote of the town, shall establish and maintain as a part of the public school system of such town a general industrial school for the teaching of agriculture, household science, the mechanic arts, and the trades. Such general industrial schools shall be open to pupils who have completed the elementary school course or who have attained the age of fifteen years. The authority and duties of the superintending school committee and of the superintendent of schools in relation to such industrial schools shall be the same as in the case of the common and high schools, but the support of such schools shall be derived from funds raised in addition to any sums appropriated for the support of common and high schools. Whenever it shall be made to appear to the governor and council that any town has provided instruction in the trades and industries in a general industrial school maintained therein for a period of thirty-six weeks during the school year, and employing at least one teacher whose work is devoted exclusively to such instruction, and having an average attendance of at least twenty pupils, the governor and council shall direct the treasurer of state to pay to the treasurer of such town a sum equal to two-thirds the total amount spent for instruction in said school, provided that not more than two thousand dollars shall be paid by the state to any one town in any year.

Sec. 169. Reports to the state commissioner of education. R. S. c. 16, § 139. 1917, c. 77. 1919, c. 87. 1921, c. 102. All reports required under the preceding six sections shall be filed annually with the state commissioner of education on or before the first day of July, and state aid shall be payable during the month of December next succeeding.

Vocational Education.

Sec. 170. State to cooperate with federal government in matter of vocational education. 1917, c. 186, § 1. The state, having accepted the provisions of the act of congress entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," approved February twenty-third, nineteen hundred and seventeen, will observe and comply with all the provisions of said act.

Sec. 171. State board for vocational education; commissioner of education chairman. 1917, c. 186, § 2. The state board for vocational education heretofore created shall have all necessary power to cooperate with the federal board of vocational education in the administration of the provisions of said act. Said board shall consist of three members of whom the state commissioner of education shall serve as chairman and the other two members shall be appointed by the governor with the advice and consent of the council for terms of three years. The said board shall serve without compensation.

Sec. 172. Treasurer of state custodian of appropriations. 1917, c. 186, § 3. The treasurer of state is hereby designated as custodian for all appropriations

CHAP. 19

received by the state under the provisions of said act, and he shall receive and provide for the proper custody and distribution of all money paid to the state from said appropriations.

Sec. 173. Authorizing acceptance act of Congress relative to vocational rehabilitation. 1921, c. 97, § 1. The state, having accepted the provisions and benefits of the act of Congress entitled "An Act to Provide for the Promotion of Vocational Rehabilitation of persons injured in Industry or Otherwise" approved June second, nineteen hundred and twenty, will observe and comply with the provisions of said act.

Sec. 174. Treasurer of state designated as custodian of funds. 1921, c. 97, § 2. The treasurer of state is hereby designated and appointed custodian of all moneys received by the state from appropriations made by the Congress of the United States for the vocational rehabilitation of persons disabled in industry or otherwise, and is authorized to receive and provide for the proper custody of the same and to make disbursements therefrom upon the order of the state board for vocational education herein designated.

Sec. 175. State board for vocational education to administer provisions of these sections. 1921, c. 97, § 3. The board for vocational education is authorized to cooperate with the federal board for vocational education in the administration of the provisions of sections one hundred seventy-three to one hundred seventy-seven; to prescribe and provide such courses of instruction and training as may be necessary for the vocational rehabilitation of persons injured in industry or otherwise, and to provide for the instruction and supervision of such training.

Sec. 176. State board for vocational education to cooperate with industrial accident commission. 1921, c. 97, § 4. The board for vocational education is authorized to cooperate with the industrial accident commission, to formulate a plan of cooperation in accordance with the provisions of sections one hundred seventy-three to one hundred seventy-seven and the said act of Congress.

Sec. 177. Authorizing acceptance of gifts; money to be deposited with treasurer of state; special fund created; appropriation for vocational education applicable. 1921, c. 97, § 5. The state board for vocational education is authorized and empowered to receive such gifts and donations, either from public or private sources as may be offered unconditionally, or under such conditions related to the vocational rehabilitation of persons injured in industry or otherwise as in their judgment are proper and consistent with the provisions of sections one hundred seventy-three to one hundred seventy-seven. All moneys received as gifts or donations shall be deposited in the state treasury and shall constitute a permanent fund to be called the special fund for the vocational rehabilitation of disabled persons, to be used by said board to defray the expenses of vocational rehabilitation in special cases, including the payment of necessary expenses of persons undergoing training.

Sec. 178. Part-time or part-time continuation schools for persons over school age; term defined. 1919, c. 205, § 1. In order to improve the industrial and civic efficiency of persons between the ages of fourteen and eighteen now engaged in industrial occupations and who have not reached the proficiency in reading, writing, arithmetic, language, geography, history, and citizenship required for the completion of the elementary school course as recognized in the schools of the state, the superintending school committee and boards of education of the towns and cities of the state are authorized to establish part-time or part-time continuation schools and classes for the benefit of such persons. For the pur-

pose of this section and the following section a part-time continuation school or class shall be understood to mean such schools or classes as are conducted during the regular working hours of the persons employed. Such schools shall cover one hundred and forty-four hours per year and meet the standards set up by the state board for vocational education.

Sec. 179. Reimbursement from state and federal funds. 1919, c. 205, § 2. Whenever the superintendent of schools of any town or city, on or before the first day of July, shall report to the state commissioner of education that part-time or part-time continuation schools and classes have been maintained in accordance with the specified standards, and when such schools and classes shall be approved by the state board for vocational education, the state commissioner of education shall recommend to the governor and council annually in December the payment of reimbursement from federal funds designated for part-time schools and from state funds provided for industrial education to the extent of two-thirds the cost of instruction.

Sec. 180. Not to be construed as affecting provision of R. S. c. 55, relating to child labor. 1919, c. 205, § 3. The two preceding sections shall not be construed to interfere in any manner with the provisions of chapter fifty-five, relating to child labor.

Physical Education.

Sec. 181. Personal hygiene, community sanitation, physical education to be included in public school courses; state commissioner to prescribe rules and require reports from local superintendents. 1919, c. 73, § 1. In order more thoroughly to prepare the youth of the state for the duties and obligations of citizenship and to provide for their future well-being and comfort it shall be the duty of the superintending school committees of the several towns of the state to make provision for instruction to be given to pupils in all public schools in personal hygiene, community sanitation, and physical education, including recreational exercises in accordance with a course of study and plans of lessons and instruction prepared by the state commissioner of education, who shall prescribe such rules and regulations as may be necessary to carry out in successful manner said program of physical education, and he may require such reports from superintendents as he may deem necessary.

Sec. 182. Towns may employ directors of physical education; qualifications and duties. 1919, c. 73, § 2. Towns may employ supervisors or directors of physical education who shall meet such standards of preparation and certification as the state commissioner of education may determine. It shall be the duty of the superintendent of schools in which directors or supervisors of physical education are employed, to report to the state commissioner of education, on blank forms prepared by him, the number of pupils receiving instruction, the number of directors or supervisors employed, the amount paid such directors or supervisors, and such other information as may be required.

Sec. 183. Reimbursement to towns for expenses incurred in employment of directors. 1919, c. 73, § 3. Whenever the superintendent of schools of any town shall certify under oath to the state commissioner of education according to a form prescribed by him that a director or supervisor of physical education has been employed for the school year preceding, then upon approval of such certificate by the state commissioner of education, reimbursement from state or federal funds shall be paid to the amount of one-half the salary paid, not to exceed eight hundred dollars for each director or supervisor in any one year,

CHAP. 19

and not to exceed sixteen hundred dollars to any one town; provided, that the appropriation made by the town for this purpose shall be exclusive of any other sum received from the state for the support of common schools and of the minimum requirement raised by the town as prescribed by section sixteen. Two or more towns adjacent to each other, or the several towns of a superintendency union, may cooperate in the employment of directors or supervisors of physical education and may apportion the cost of the same among the several towns of the group according to the amount of time given to each.

Sec. 184. Filing of reports. 1919, c. 73, § 4. All reports required under the three preceding sections shall be filed annually with the state commissioner of education on or before the first day of July, and state aid shall be payable during the month of December next succeeding.

Normal Schools.

Sec. 185. Five normal schools. R. S. c. 16, § 140. The Northern Normal School at Farmington, the Eastern Normal School at Castine, the Western Normal School at Gorham, the Washington State Normal School at Machias and the Aroostook State Normal School at Presque Isle shall be conducted for the purposes and upon the principles herein set forth.

I. They shall be thoroughly devoted to the training of teachers for their professional labors.

II. The course of study shall include the common English branches in thorough reviews, and such of the higher branches as are especially adapted to prepare teachers to conduct the mental, moral, and physical education of their pupils.

III. The art of school management, including the best methods of government and instruction, shall have a prominent place in the daily exercises of said schools.

IV. Said schools, while teaching the fundamental truths of Christianity and the great principles of morality, recognized by law, shall be free from all denominational teachings, and open to persons of different religious connections on terms of equality.

V. The principals of the normal schools and of all other schools in which normal departments are supported, wholly or in part, by the state, shall keep a register containing the names of all students entering such schools or departments, the date of entering and leaving, their ages, number of days' attendance, the length of the term, a list of text-books used, and all other information required in the blanks furnished by the state commissioner of education. Such register and blanks shall be returned to said commissioner by the first day of each December, and the information so furnished shall appear in his annual report, for the use of the legislature.

Sec. 186. Course of study. R. S. c. 16, § 141. The course of study shall occupy two years with suitable vacations, and, with the terms of admission, shall be arranged by the state commissioner of education. The trustees may arrange for a course of study, occupying three or four years, for such students as elect to pursue the same, and they may give such credit as they may deem advisable for successful teaching experience.

Sec. 187. Diplomas to be issued. R. S. c. 16, § 142. 1927, c. 152. Any student who completes the course of study prescribed, and otherwise complies with the regulations of the school, shall receive a diploma certifying the same,

provided, further, that the state board of trustees for normal schools may confer appropriate educational degrees based upon four years of academic and professional instruction with such equipment and faculties as will safeguard the integrity of the degrees conferred.

Sec. 188. Applicants for admission, qualification; tuition. R. S. c. 16, § 143. 1917, c. 247. Applicants for admission shall be sixteen years of age if females, and seventeen if males, and shall signify their intention to become teachers and come under obligation to teach in this state for at least one year, and if they receive a diploma, the first two years of teaching after they have graduated; on these conditions they shall be received without charge for tuition, otherwise they shall pay tuition at the rate of fifty dollars per year.

Sec. 189. Trustees of normal schools, their appointment, powers, and duties. R. S. c. 16, § 144. Said schools shall be under the direction of a board of five trustees, four of whom shall be appointed by the governor with the advice and consent of the council, for terms of four years, and not more than two of the four appointed members shall be of the same political party. The state commissioner of education is, by virtue of his office, a member of the said board of normal school trustees. Said board shall have charge of the general interests of said schools; shall see that the affairs thereof are conducted as required by law and by such by-laws as the board adopts; employ teachers and lecturers for the same; and, annually, on the first day of December, lay before the governor and council, for the information of the legislature, a financial statement, furnishing an accurate detailed account of the receipts and expenditures for the school year preceding.

105 Me. 220.

Sec. 190. Madawaska training school. R. S. c. 16, § 145. The trustees of state normal schools shall maintain for not less than eight months annually, the Madawaska Training School, at Fort Kent, for the purpose of training persons to teach in the common schools of Madawaska territory, so called, which school shall be under their control and direction, in the same manner and to the same extent as the other state normal schools.

Sec. 191. Appropriation for normal and training schools. R. S. c. 16, § 146. 1917, c. 64. 1919, c. 149. 1921, c. 46. For the support of the five normal schools and the Madawaska Training School, the sum of one hundred eighty thousand dollars shall be annually appropriated, to be expended under the direction of said trustees, which sum the treasurer of state shall deduct for said purpose from the state school fund. The governor and council may from time to time, as they think proper, draw warrants therefor on said treasurer in favor of said trustees.

Summer Schools.

Sec. 192. Summer school for training rural teachers; teachers so trained to act as rural critics in towns from which chosen. 1919, c. 51, § 1. As a means of increasing the efficiency of rural education it shall be the duty of the state commissioner of education to make provision for a special school of instruction during the summer months for not more than one hundred rural teachers. The course of study and plans of instruction shall be arranged with a special view to training for rural teaching and rural leadership. Teachers eligible to attend said school shall be selected by the state commissioner of education, upon recommendation of superintendents of rural towns, in accordance with such standards of fitness as the state commissioner of education shall determine. Teachers so

trained shall agree to return to the service of the towns from which they are chosen for at least one year, during which time they shall act as rural critics and helping teachers.

Sec. 193. Appropriation; bonus. 1919, c. 51, § 2. 1921, c. 37. The state commissioner of education is hereby authorized to arrange for the payment of necessary expenses of travel and board incurred by teachers in attending said school of instruction, and at the close of the school year he shall recommend to the governor and council, upon satisfactory evidence of successful service, the payment to each teacher so trained of a bonus of twenty-five per cent of the annual salary paid to her by the town for her services. The governor and council shall direct the payment of such amounts as they shall approve out of the appropriation for the training of rural teachers and said amounts shall be deducted from the state school fund.

Instruction for the Blind and Deaf.

Sec. 194. Blind children may be sent to Perkins Institution; no distinction made on account of wealth or poverty; expenses paid by state. R. S. c. 16, § 147. Upon the request of the parents or guardians, the governor may, with the approval of the council, send such blind children as he may deem fit subjects for education, for a term not exceeding ten years, and thereafter in the discretion of the governor and council, in the case of any pupil, to the Perkins Institution and Massachusetts School for the Blind at Watertown, Massachusetts; provided, however, that when the authorities in charge of said Perkins Institution and Massachusetts School for the Blind shall refuse for any reason to admit such blind children to said institution then the governor may, with the approval of the council, send such children so refused to any institution for the blind wherever located. In the exercise of the discretionary power conferred by this section, no distinction shall be made on account of the wealth or poverty of the parents or guardians of such children. No such pupil shall be withdrawn from such institution except with the consent of the proper authorities thereof or of the governor; and the sums necessary for the support and instruction of such pupils in such institution, including all traveling expenses of such pupils attending such institution shall be paid by the state; provided, however, that nothing herein contained shall be held to prevent the voluntary payment of the whole or any part of such sums by the parents or guardians of such pupils.

Sec. 195. Deaf or dumb children between ages of six and eighteen to be sent to Maine School for Deaf. 1919, c. 22. Every parent, guardian, or other person, having control of any mentally normal child between six and eighteen years of age, too deaf or too dumb to be materially benefited by the methods of instruction in vogue in the public schools, unless it can be shown that the child is receiving regular instruction during the same period in studies usually taught in the public schools, shall be required to send such child or youth to the Maine School for the Deaf in the city of Portland, during the scholastic year of that school. Such child or youth shall attend such school, year after year, until discharged by the superintendent upon approval of the board of trustees of said school.

See §§ 249-254.

Penal Provisions Affecting Schools.

Sec. 196. Forfeitures, how recovered and appropriated; penalty if town neglects to expend money. R. S. c. 16, § 148. Forfeitures under this chapter, not otherwise provided for, may be recovered by indictment, and shall be paid

into the treasury of the town where they occurred, for the support of schools therein, in addition to the amount required by law to be raised; but the cost of prosecution shall be paid into the county treasury; any town neglecting for one year so to expend such money forfeits an equal sum to any person suing therefor in an action of debt.

Sec. 197. Penalty for disturbing schools. R. S. c. 16, § 149. Whoever, whether a scholar or not, enters any schoolhouse or other place of instruction, during or out of school hours, while the teacher or any pupil is present, and wilfully interrupts or disturbs the teacher or pupils by loud speaking, rude or indecent behavior, signs or gestures, or wilfully interrupts a school by prowling about the building, making noises, throwing missiles at the schoolhouse, or in any way disturbing the school, forfeits not less than two dollars, nor more than twenty dollars, to be recovered as aforesaid, or on complaint.

^{27 Me. 278; 35 Me. 197.}

Sec. 198. Parents or guardians liable in double damages for injuries. R. S. c. 16, § 150. If a minor injures or aids in injuring any schoolhouse, outbuildings, utensils, or appurtenances belonging thereto; defaces the walls, benches, seats, or other parts of said buildings by marks, cuts, or otherwise; or injures or destroys any school property belonging to a town, such town by an attendance officer thereof, may recover of his parent or guardian, in an action of debt, double the damage occasioned thereby.

Sec. 199. Penalty for defacing schoolhouses, outbuildings. R. S. c. 16, § 151. Whoever defaces the walls, benches, seats, blackboards, or other parts of any schoolhouse or outbuildings belonging thereto, by obscene pictures, language, marks, or descriptions, shall be punished by a fine of not more than ten dollars, on complaint made within one year.

^{See c. 135, § 27.}

Sec. 200. Innholders, stable keepers, and certain others not to give credit to students; penalty. R. S. c. 16, § 152. If an innholder, confectioner, or keeper of a shop, boarding-house, or livery stable, gives credit for food, drink, or horse or carriage hire, to any pupil of a college or literary institution in violation of its rules, he forfeits a sum equal to the amount so credited, whether it has been paid or not, to be recovered in an action of debt by the treasurer of such institution; half to its use, and half to the town where it is located; and no person shall be licensed by the municipal officers for any of said employments, if it appears that within the preceding year he had given credit contrary to the provisions hereof.

State School Funds.

Sec. 201. Permanent school fund. R. S. c. 16, § 153. The treasurer of state shall keep a separate account of all moneys received from sales of lands appropriated for the support of schools or from notes taken therefor, and of any other moneys appropriated for the same purpose; and such sum shall constitute a permanent school fund, which may be put at interest as the legislature directs. A sum equal to six per cent of the amount of such fund, and one-half the sum received by the state from the tax on the franchises of savings banks, and one-half the sum assessed upon the deposits of trust and banking companies, shall be annually appropriated to the support of common schools, and after the deduction therefrom of all funds which the treasurer of state is by law authorized to deduct, the balance shall be distributed among the several towns according to the number of children therein between five and twenty-one years of age.

^{See §§ 159, 169, 205, 226; c. 12, §§ 63, 73; 73 Me. 126; *109 Me. 172.}

Sec. 202. State school fund, for maintenance and support of elementary and secondary schools, how created. 1921, c. 173, § 1. A tax of three and one-third 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 a sum equal to six per cent of the permanent school fund, as provided by law, and a sum equal to one-half 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. The sum total of the amount so assessed and collected 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 two hundred two to two hundred sixteen 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. 203. Terms defined. 1921, c. 173, § 2. For the purposes of sections two hundred two to two hundred sixteen 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 eighty-three.

The term "secondary school" shall be understood to include that part of the school organization of a town offering a program of studies as included in class A high schools or any part thereof as defined by section eighty-three 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 ninety-two.

The term "teaching positions" shall be understood to mean positions in elementary and secondary schools filled by classroom teachers, assistant classroom teachers, school principals, school nurses, supervisors, assistants to supervisors, and teachers of special subjects, except when any such position 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. Provided, however, that the number of teaching positions in a secondary school shall be reckoned in such ratio to the actual number of such positions 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 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 as the number of weeks which the position 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 five and twenty-one years as provided for by section fifty-six.

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 one 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. 204. State auditor to report to state commissioner of education July 1st; state commissioner to make apportionment and report to governor and council amounts to be paid towns in December. 1921, c. 173, § 3. On the first day of July, annually, the state auditor 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 treasurers of said towns in December annually the amounts so apportioned.

Sec. 205. Deductions from state school fund. R. S. c. 16, § 166. 1921, c. 173, § 4. 1923, c. 175, 1929, c. 155. 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 one hundred twenty-five thousand dollars, 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 two hundred ten. 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 two hundred six, such amount as may be required for physical education as provided in sections one hundred eighty-one to one hundred eighty-three; such amounts as may be required to cover the obligation of the state for industrial education under sections one hundred sixty-three to one hundred sixty-eight, inclusive, and such sums as may be required for payment to towns on account of teaching positions maintained as provided for by section two hundred seven, and such sums as may be required for apportionment to towns on the basis of the school census as provided for by section two hundred eight, 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 two hundred nine.

Sec. 206. Reimbursement to towns for tuition for pupils attending secondary schools. 1921, c. 173, § 5. 1927, c. 176. When any town shall have been required to pay and has paid tuition for pupils attending secondary schools, as provided by section ninety-three, the superintendent of schools of such town shall make a return under oath to the state commissioner of education before the first 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 two-thirds 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 one hundred dollars for any pupil for any one year, and reimbursement to any town for any one year shall not exceed seven hundred dollars. Provided, further, that any town not maintaining a high school may

CHAP. 19

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.

Sec. 207. Apportionment to towns for teaching positions. 1921, c. 173, § 6. On the basis of information furnished to the state commissioner of education by the return of educational statistics for the year ending July first, annually, as provided for by section fifty-eight, said state commissioner shall apportion to each town the sum of one hundred dollars for each teaching position, or a corresponding fractional part of one hundred dollars for each fractional part of a teaching position maintained in the elementary and secondary schools of such town.

Sec. 208. Apportionment on basis of school census. 1921, c. 173, § 7. On the basis of the school census of the towns on April first, annually, as returned under the provisions of section fifty-seven, the state commissioner of education shall apportion to each town the amount of three dollars for each person returned in the school census for said town.

Sec. 209. Apportionment on basis of aggregate attendance. 1921, c. 173, § 8. On the basis of information furnished to the state commissioner of education by the return of educational statistics for the year ending July first, annually, as provided for by section fifty-eight, the state commissioner of education shall apportion to the several towns the amount available for this purpose on the basis of the aggregate attendance of pupils in elementary and secondary schools maintained by those towns.

Sec. 210. School equalization fund, how apportioned. 1921, c. 173, § 9. The school equalization fund shall be apportioned by the state commissioner of education to the towns qualified to receive aid from said fund as follows:

I. Whenever any school lawfully established and maintained by a town for the number of weeks of school provided for in said town fails to record at least fifteen hundred days aggregate attendance for the pupils enrolled in said school, there may be apportioned to the town maintaining said school such amount as, added to the amount already apportioned under section two hundred nine on account of aggregate attendance in said school, will give to said town on account of said school an amount equal to that apportioned for fifteen hundred days aggregate attendance.

II. When any school has been closed by order of the proper authorities because of the prevalence of an epidemic or because of the unfitness of the school building from the effects of fire or other unpreventable causes and when the teacher employed in said school has received pay for the period for which the school has been closed, there may be apportioned to the town in which said school is located a sum equal to that which would have been apportioned under the provisions of section two hundred nine for the aggregate attendance of pupils regularly enrolled in said school during the period in which it was closed, provided, however, that such attendance shall not be reckoned beyond fifteen days of such a period, and provided further that such attendance shall not be reckoned if the time so lost was made up within the school year with no additional expenditure for the wages of the teacher therefor.

III. Whenever any school is closed or suspended as provided for by section two 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 state 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 two hundred seven on account of teach-

ing 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 one-half the cost of such conveyance.

IV. Whenever any town through its superintendent or superintending school committee shall submit to the state 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 state 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 five hundred dollars 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 ten per cent of the equalization fund.

V. Such amount of the school equalization fund not apportioned as provided for by the four preceding paragraphs shall be apportioned to towns wherein a rate of taxation considerably in excess of the average rate for the state fails to produce a school revenue sufficient to secure a reasonable standard of educational efficiency; provided, that the rate of taxation hereinbefore named shall be reckoned on the basis of the amount or amounts actually raised by taxation by the town for the support of elementary and secondary schools for the purposes named in section two hundred twelve, exclusive of any amounts received from the state, provided, further, that no town shall receive an apportionment out of the school equalization fund unless its municipal tax rate for all purposes shall be in excess of a rate which is three mills less than the average of such rates for all the towns of the state. The state commissioner of education shall cause a special investigation to be made of the educational facilities of such towns and, whenever it appears to the said commissioner that any town should receive special aid or encouragement for the purpose of raising the standard of qualifications of teachers or of increasing the length of the school year or otherwise adding to the efficiency of the schools, he shall issue to the governor and council a recommendation relative thereto, and the governor and council may draw a warrant in favor of the treasurer of said town for the payment from the equalization fund of a sum 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. The said commissioner may expend for the special investigation of educational facilities as herein provided a sum not to exceed two thousand dollars which shall be deducted from the equalization fund.

See § 205.

Sec. 211. Union schools; how apportionment shall be paid. 1921, c. 173, § 10. Amounts apportioned from the state school funds on account of union elementary schools shall be paid to the town in which said school is located and the amounts to be contributed by each town for the maintenance of such school shall be determined by the superintending school committees of the said towns. Amounts apportioned on account of union high schools shall be paid to the towns maintaining said schools in proportion to the aggregate attendance of pupils resident of each of said towns.

Sec. 212. How state school funds may be expended by towns. R. S. c. 16, § 163. 1921, c. 173, § 11. Amounts received by the towns from the state school fund may be expended by said towns, in conjunction with such funds as the

CHAP. 19

towns shall raise and appropriate, for the following purposes in both elementary and secondary schools: the payment of teachers' wages and board, fuel, janitors' services, conveyance, tuition and board of pupils, text-books, reference books, and school supplies for desk or laboratory use. The unexpended balance of all moneys raised by towns or received from the state for the above purposes shall be credited to the school resources for the year following that in which said unexpended balance accrued.

123 Me. 209.

Sec. 213. One-half amount received by town to be considered as raised by the town in computing amount town must raise under § 16 of this chapter. 1921, c. 173, § 12. One-half the amount received by any town from the apportionment provided by sections two hundred two to two hundred sixteen, shall be deemed to be raised by such town within the meaning of section sixteen.

Sec. 214. Procedure in case returns are not filed by town. 1921, c. 173, § 13. Whenever the information required for the purposes of sections two hundred two to two hundred sixteen is not available, because of the failure of the town, through its officers, to make the returns required by law, or because of the loss or destruction of the school records of a town, the state commissioner of education may use as a basis for apportionment numbers on which the apportionment for said town was made for the preceding year less ten per cent. But no apportionment as provided by said sections shall be paid to any town by the treasurer of state until returns required by law have been filed with the said commissioner, nor so long as any state tax assessed upon such town remains unpaid.

Sec. 215. How term "state school fund" shall be construed as applied to this chapter. 1921, c. 173, § 14. Whenever in this chapter authority is given to deduct appropriations or funds from state school funds or from the school mill fund, it shall be understood that such deductions shall be made from the state school fund as described in section two hundred two.

Sec. 216. Disposition of unexpended balances of school fund. 1921, c. 173, § 15. 1925, c. 135. All unexpended balances of the state school fund or of any funds or appropriations deducted therefrom shall, at the close of the year for which said fund or appropriation is available, be added to the permanent school fund of the state. Balances at the close of the fiscal year deducted from the state school fund and set apart for certain activities may be transferred from one division to another by consent of the governor and council.

Sec. 217. Expenses of school department to be deducted from school fund. 1923, c. 114, § 1. All expenditures of the department of education, including salaries and general office expenses, shall be taken from the state school fund.

Sec. 218. All specific appropriations to be deducted from school fund. 1923, c. 114, § 2. Before distribution to the cities and towns, there shall be deducted from the state school fund all sums appropriated for specific purposes in accordance with the provisions of this chapter.

Teachers' Pensions.

Sec. 219. Teachers who may be entitled to an annual pension of \$500. R. S. c. 16, § 169. 1923, c. 200. 1927, c. 41, § 1. 1929, c. 127, § 1. Except as provided in section two hundred forty-eight, any person of either sex who, on the thirtieth day of September, nineteen hundred thirteen, or thereafter, shall have reached the age of sixty years and who for thirty-five years shall

have been engaged in teaching as his principal occupation, and who shall have been employed as a teacher or teacher and supervisor in the public schools, or in such other schools within this state as are supported wholly or at least three-fifths by state or town appropriation and are under public management and control, twenty years of which employment, including the fifteen years immediately preceding retirement, shall have been in this state, and who shall be retired by his employer or shall voluntarily retire from active service after completion of the school year next preceding the thirtieth day of September, nineteen hundred thirteen, shall, on his formal application, receive from the state for the remainder of his life an annual pension of five hundred dollars; provided, however, that after the thirtieth day of September, nineteen hundred thirteen, no such employment as teacher within this state shall be included in its provisions unless the teacher shall hold a state teachers' certificate issued under the authority of the state commissioner of education.

Sec. 220. Teachers who may receive an annual pension of \$375. R. S. c. 16, § 170. 1925, c. 36, § 1. 1927, c. 41, § 2. 1929, c. 127, § 2. Except as provided in section two hundred forty-eight, any person of either sex who, on the thirtieth day of September, nineteen hundred and thirteen, or thereafter, shall have reached the age of sixty years and who for thirty years shall have been engaged in teaching as his principal occupation and who shall have in all other respects met the requirements of the preceding section shall, on his formal application, receive from the state for the remainder of his life an annual pension of three hundred seventy-five dollars.

Sec. 221. Teachers who may receive an annual pension of \$275. R. S. c. 16, § 171. 1925, c. 36, § 2. 1927, c. 41, § 3. 1929, c. 127, § 3. Except as provided in section two hundred forty-eight, any person of either sex who, on the thirtieth day of September, nineteen hundred and thirteen, or thereafter, shall have reached the age of sixty years and who for twenty-five years shall have been engaged in teaching as his principal occupation, and who shall have in all other respects met the requirements of section two hundred nineteen shall, on his formal application, receive from the state for the remainder of his life an annual pension of two hundred seventy-five dollars.

Sec. 222. Teachers who retired prior to September 1913. R. S. c. 16, § 172. 1921, c. 65. Any person who otherwise meets the requirements of the three preceding sections, but shall have retired or shall have been retired prior to the school year next preceding the thirtieth day of September, nineteen hundred thirteen, shall be entitled to receive a pension under the provisions of this section and the three preceding sections, and the amount of said pension shall be determined by the length of service as provided in the three preceding sections.

Sec. 223. State commissioner to certify persons entitled to pensions; suspension of payment when person resumes teaching. R. S. c. 16, § 173. On the last day of each of the months of March, June, September, and December of each year, the state commissioner of education shall certify to the governor and council the names of the persons who are entitled to pensions under the provisions of the preceding sections and the amounts thereof, and the governor and council shall draw warrants on the treasurer of state for payments from the school pension fund in favor of said persons for said amounts. The payments of any pension shall be suspended whenever the person to whom said pension has been granted resumes teaching in any private or public school.

Sec. 224. Pensions are exempt from claims of creditors. R. S. c. 16, § 174. All pensions granted or payable under the provisions of the five preceding sections shall be and are hereby made exempt from levy and sale by virtue of an

CHAP. 19

execution and from all process and proceeding to enjoin and recover the same by or on behalf of any creditor or person having or asserting any claim against, or debt or liability of a teacher or pensioner.

Sec. 225. State commissioner to formulate rules. R. S. c. 16, § 175. 1929, c. 143. The state commissioner of education shall formulate rules and regulations for carrying into effect the provisions of the six preceding sections. Provided that in case of total disability on the part of a teacher, who has reached the age of fifty, and has no other means of support, the state commissioner of education is authorized after due investigation to issue to such teacher a pension, the amount of which shall be determined by the length of service as set forth in this and the preceding six sections, said teacher having complied with the conditions of the law relative to length of experience and to service within the state.

Sec. 226. Appropriation. R. S. c. 16, § 176. 1917, c. 79. 1919, c. 91. For the purposes of the seven preceding sections the sum of thirty thousand dollars shall be annually appropriated, which sum the treasurer of state shall deduct for said purposes out of the state school fund and the sum so appropriated and deducted shall be denominated the school pension fund.

Sec. 227. Unexpended fund added to school fund. R. S. c. 16, § 177. All of said school pension fund not distributed or expended in any fiscal year, shall, on the first day of July next following, be added to the permanent school fund.

Teachers' Retirement System.

Sec. 228. Definitions. 1923, c. 209, § 2. The following words and phrases as used in sections two hundred twenty-eight to two hundred forty-eight shall have the following meanings:

(1) "Teacher" shall mean any teacher, principal, supervisor, or superintendent employed in any day school within the state; also a teacher or principal of a normal school, the state commissioner of education or his assistants, and teachers who teach in any school which is supported at least three-fifths by state or town appropriations.

(2) "Public School" shall mean any public school conducted within the state under the authority and supervision of a duly elected board of education or superintending school committee.

(3) "Year" as used in sections two hundred twenty-eight to two hundred forty-eight inclusive referring to the term of school service of a teacher shall mean the same as "school year" defined in the general laws of the state at the time when the school service in question was rendered, provided, however, that the retirement board may in special cases determine what school service shall constitute the equivalent of a specified period of service under sections two hundred twenty-eight to two hundred forty-eight.

(4) "Interest," unless herein otherwise provided, shall mean compound interest at four per cent.

(5) Wherever the word "he" appears it shall be taken to apply to females as well as males.

Sec. 229. Organization; membership, how acquired. 1923, c. 209, § 3. 1929, c. 136. An association to be known as the Maine teachers' retirement association, hereinafter called the retirement association, may be organized by and among the teachers in the public schools of the state. Membership in said association may be acquired under the following conditions:

I. All teachers who shall serve in the public schools or in any academy which has contract relations with a town under section ninety-two and which receives

at least three-fifths of its support from the state, or who teach in a normal school which is under the control of the state, or members of the state department of education, on or after July first, nineteen hundred twenty-four, may become members of the association, upon application to and approval by a majority of the retirement board and under such rules and regulations as it may prescribe.

II. Provided, that each and every teacher who began teaching after the first day of July, nineteen hundred and twenty-four and therefore is ineligible to the provisions of sections two hundred nineteen to two hundred twenty-five inclusive, and who shall have taught under contract within the state for a period of six years shall, after July first, nineteen hundred and thirty, be required to contribute to his or her retirement foundation. It shall be the duty of each employer to deduct from each and every pay-roll period such amounts as are required to meet the provisions herein provided. The amount of said deductions shall be certified by the superintendent of schools and approved by the governing board, to the treasurer of the town and also to the state commissioner of education. The treasurer of the town shall forward to the treasurer of state on or before July fifteenth following, the amounts so deducted. The provisions of this subdivision of this section shall become effective July first, nineteen hundred thirty.

See § 248.

Sec. 230. When organization may be effected; form of organization. 1923, c. 209, § 4. The teachers who desire to become members of the retirement association shall adopt such form of organization for said association as shall be prescribed by the state commissioner of education, treasurer of state, and attorney-general; and such organization shall be maintained for the purpose herein contemplated, with such modifications thereof as may be adopted from time to time by the members of the association with the approval of the retirement board. No modifications of these sections that will affect the interests of existing members shall be made without their consent.

Sec. 231. Administration; personnel of retirement board; vacancies; retirement board to serve without pay. 1923, c. 209, § 5. The Maine teachers' retirement system, as heretofore established, and hereinafter referred to as the retirement system, is continued, and the administration of said system is vested in a board to be known as the teachers' retirement board, herein called the retirement board, consisting of seven members, as follows: the state commissioner of education, the treasurer of state, the attorney-general, the bank commissioner, and the insurance commissioner, and two members of the retirement association. Upon the organization of said association the members thereof shall elect from among their number, in a manner to be approved by the state commissioner of education, the treasurer of state, the attorney-general, the bank commissioner, and the insurance commissioner, two persons to serve upon the retirement board, one member to serve for one year and one for two years; and thereafter the members of the retirement association shall elect annually from among their number, in a manner to be approved by the retirement board, one person to serve on said board for the term of two years.

Until the organization of the retirement association and the election of two representatives therefrom to membership on the retirement board, the state commissioner of education, the treasurer of state, the attorney-general, the bank commissioner, and the insurance commissioner, shall be employed to perform all the duties of said board.

When a vacancy occurs in the retirement board by reason of the death, resignation, or inability to serve of one of the members chosen by the retirement asso-

ciation, such vacancy shall be filled for the unexpired term by the election of a new member of said association, at a meeting duly called for that purpose.

The members of the retirement board shall serve without compensation, but they shall be reimbursed for all necessary expenses of travel which they may sustain through their service on the board. All claims for such reimbursement shall be subject to the approval of the state auditor.

Sec. 232. Duties of retirement board; expenses how paid. 1923, c. 209, § 6. The retirement board shall provide for the payment of retirement allowances and such other expenditures as are prescribed by sections two hundred twenty-eight to two hundred forty-eight inclusive, and shall perform such other functions as are required for the execution of the provisions thereof; and to that end said board shall make by-laws and regulations not inconsistent with the provisions of said sections, shall employ a secretary, whose duty it shall be to keep a record of all its proceedings, and shall provide such other clerical assistance as may be necessary for the discharge of the duties prescribed thereunder. The reasonable and necessary expense of such clerical assistance shall be met out of the regular appropriation for the state department of education.

Sec. 233. Board to adopt mortality tables, establish rates of interest, and maintain system of records and accounting. 1923, c. 209, § 7. The retirement board shall adopt mortality tables for the retirement system, and, except as herein otherwise provided, shall determine what rates of interest shall be established in connection with such tables or otherwise under the provision hereof. Said board may modify such mortality tables or adopt others, and may change rates of interest once established, unless otherwise provided herein, but not so as to impair the vested rights hereunder of any member of the retirement association, unless such modifications or changes shall be assented to by such member. Said board shall establish and maintain a complete system of records and accounting. All action taken by the retirement board under the provisions of this section shall be upon competent actuarial advice.

Sec. 234. Annuities, how paid; fund, how created. 1923, c. 209, § 8. The annuities hereinafter provided shall be paid out of a fund to be known as the annuity fund, which shall be constituted as follows:

(1) Each member of the retirement association shall pay into the annuity fund under regulations to be prescribed by the retirement board five per cent of such member's salary; provided, however, that no member shall in any one year pay into said fund less than twenty dollars nor more than one hundred dollars.

(2) Any member of the retirement association, who for thirty years shall have paid into said fund his regular assessments, as above provided, shall be exempt from further assessments, but such member may thereafter, if he so elects, continue to pay his assessments into said fund.

(3) During the months of July or August of each year the retirement board shall notify the state commissioner of education of the exact amount paid in between July first and June thirtieth preceding by the members of the teachers' retirement association and before the state commissioner of education shall distribute the state school fund in December, he shall deduct the amount necessary to equal the contributions of members as certified by the retirement board. Such amount together with the amounts paid in by members shall be invested as provided in section two hundred forty-two. The amount deducted from the state school fund shall not exceed the sum of thirty-five thousand dollars for any one year.

Sec. 235. Individual accounts with members to be kept. 1923, c. 209, § 9. The contributions made by the members of the retirement association to the annuity fund hereinbefore created, shall be credited as made to such members severally in individual accounts up to the time of retirement, and at the same time each member so contributing shall be credited individually with a like amount as the contribution of the state. Contributing members shall also be credited with the interest earned by their several contributions and by the equal contributions made by the state as aforesaid.

Sec. 236. When members may retire from service in public schools. 1923, c. 209, § 10. Any member of the retirement association who shall have served as a public school teacher for a period of thirty years, of which twenty years, and the last seven preceding retirement, shall have been in this state, may retire from service in the public schools on or after attaining the age of sixty years without forfeiting any of the benefits of the retirement system; and at any time thereafter, if incapable of rendering satisfactory service, such member may be so retired, with the approval of the retirement board.

Sec. 237. Members who have withdrawn from service in public schools may be reinstated in the association. 1923, c. 209, § 11. Any member of the retirement association, who shall have withdrawn from service in the public schools of the state, shall, on being reemployed therein, be reinstated in the retirement association upon such terms and conditions as shall be prescribed by the retirement board.

Sec. 238. When members shall be entitled to annuity; amount of annuity; options. 1923, c. 209, § 12. Except as hereinafter provided, a member of the retirement association, who shall have retired from service in the public schools of the state, and who shall have complied with all the provisions of sections two hundred twenty-eight to two hundred forty-eight inclusive and with the rules and regulations of the retirement board hereby authorized, shall be entitled to receive from the annuity fund hereinbefore established, (1) such annuity as his contributions to said fund, with interest thereon, together with the like contributions made thereto by the state, and the interest thereon, will purchase on the basis of McClintock's table of mortality among annuitants, and an interest rate of three and a half per cent per annum; or, (2) at his option, he shall be entitled to receive an annuity of less amount, as may be determined by the retirement board for annuitants electing such option, with the provision that if the annuitant dies before receiving payments equal to the sum of his assessments hereunder and the contributions equal thereto made by the state, as hereinbefore provided, with interest, the difference between the total amount of said payments and the total amount of such assessments and contributions, with interest, shall be paid as an annuity to a surviving husband, or wife, as the case may be, or to his or her legal representatives as such member may elect, subject to such reasonable rules and regulations as the retirement board may prescribe.

Sec. 239. Members becoming permanently disabled to teach, entitled to annuity; amount, how determined. 1923, c. 209, § 13. A member of the retirement association, who shall have been a teacher in the public schools of the state at least six years, and who shall become totally and permanently disabled to teach, as determined upon examination by physicians approved by the retirement board, shall receive an annuity based upon the accumulated sum of his contributions and the equal contributions of the state, with interest, calculated on the basis of McClintock's table of mortality among annuitants and three and a half per cent interest, with such additional annual allowance from the state as the retirement

CHAP. 19

board, in the exercise of sound discretion, shall deem equitable, the same being limited by his earning capacity in other occupations, such additional allowance to be continued so long, and in such amount, as the retirement board may determine; provided, however, that in no event shall the total sum received annually by such member, under this section, including his annuity and the additional allowance above provided for, exceed half of his average annual salary throughout his entire period of service as determined by the retirement board.

In the case of persons who receive assistance under this section annual re-examination and reports by physicians in respect to disability shall be required and the allowance discontinued if the report shows ability to return to teaching.

If such retiring member should die before receiving in the form of an annuity all of the accumulations up to the time of his disability from his own and the state's annual contributions on his account, the balance shall be paid to his or her legal representatives, as he or she may elect, subject to such rules and regulations as may be prescribed by the retirement board.

Sec. 240. Members withdrawing entitled amounts contributed, with interest; in case of death, amount payable to heirs; in case of death or withdrawal prior to six years' service, contribution to state to be placed in general reserve fund. 1923, c. 209, § 14. (1) Any member of the retirement association withdrawing from service in the public schools of the state, by resignation or dismissal, before becoming eligible to retirement under the provisions of sections two hundred twenty-eight to two hundred forty-eight inclusive, shall be entitled to receive from the annuity fund all amounts contributed thereto as assessments together with such interest as has accrued thereon.

(2) In case of the death of such member under the circumstances above set forth, the several amounts to which he would be entitled, if living, shall be paid to a surviving husband or wife, or to the legal representatives of such deceased member, as may be elected, subject to the rules and regulations of the retirement board.

(3) In the case of the death or withdrawal from service of such member before the completion of six years of service in the public schools of the state the contributions made by the state on his account, as hereinbefore provided, shall be placed in the reserve fund hereinafter established for the general purposes of the retirement system.

(4) Contributions returned as above provided shall be paid in lump sums or in instalments as the member may elect, subject, however, to such reasonable rules and regulations as may be prescribed by the retirement board.

Sec. 241. Annuity and rights therein exempt from taxation, bankruptcy and insolvency laws, and attachment; annuity fund not assignable. 1923, c. 209, § 15. That portion of the salary or wages of a member deducted or to be deducted under sections two hundred twenty-eight to two hundred forty-eight inclusive, the right of a member to an annuity or allowance thereunder, and all his rights in the funds of the retirement system, shall be exempt from taxation, and from the operation of any laws relating to bankruptcy or insolvency, and shall not be attached or taken upon execution or other process of any court. No assignment by a member of any part of such funds to which he is or may be entitled, or of any right to or interest in such funds, shall be valid.

Sec. 242. Funds to be in custody of treasurer of state; how invested; duties of treasurer; report. 1923, c. 209, § 16. (1) All funds of the retirement system shall be in the custody and charge of the treasurer of state, who shall invest and reinvest such funds as are not required for current disbursements in accordance with the laws of the state governing the investment of the assets of savings institutions.

(2) The treasurer of state shall make such payments to the members of the retirement association from the annuity fund as the retirement board shall order to be paid in accordance with the provisions of this chapter.

(3) On or before the first day of August in each year, the treasurer of state shall file with the insurance commissioner and with the secretary of the retirement board a sworn statement exhibiting the financial condition of the retirement system on the thirtieth day of June in each year, and its financial transactions for the year ending on such date. Such statements shall be in the form prescribed by the retirement board, and shall be published with the report of the treasurer of state.

Sec. 243. Special reserve fund created; how expended. 1923, c. 209, § 17. There shall be a reserve fund, to consist of gifts and receipts from sources other than those herein specified, returns to the state of its contributions to the annuity funds as hereinbefore provided, and balances that may accrue on account of interest, savings, or otherwise, which fund shall be maintained and used, in the discretion of the retirement board, for unforeseen contingencies, expenses of administration, or any other purpose within the scope of the retirement system.

Sec. 244. General reserve fund; how administered. 1923, c. 209, § 18. All moneys paid into the retirement board under paragraph one of section two hundred thirty-four and all sums deducted from the state school fund under the provisions of paragraph three of said section not otherwise expended shall be set aside and administered as a reserve fund wherewith to meet accrued liabilities for retiring and disability allowances as hereinbefore provided. Said fund shall be in all respects subject to the provisions of sections two hundred twenty-eight to two hundred forty-eight inclusive and to the rules and regulations of the retirement board authorized in respect to custody, investment, audit, and disbursement.

Sec. 245. Retirement board to cause system to be examined annually by state auditor, and triennially by competent actuary; board may change scale of rates. 1923, c. 209, § 19. The retirement board shall cause the retirement system to be thoroughly examined annually by the state auditor and once in every three years, and oftener if deemed necessary, by a competent actuary or actuaries, and may call an actuary in consultation at any time; and such board is hereby empowered to change the scale of contributions required of teachers, if deemed advisable as the result of actuarial experience hereunder; but such change shall not be effective as to teachers becoming members of the retirement association before the same shall have been made, unless assented to by such members.

Sec. 246. Books and accounts to be examined and audited annually. 1923, c. 209, § 20. The accounts of the retirement board and the books and accounts of the treasurer of state as custodian of the funds of the retirement system, and the cash and securities in his hands representing such funds, shall be examined and audited annually at the time and in the manner prescribed for the annual audit of the accounts of the trustees of the permanent school fund and the accounts of the treasurer of state in connection therewith.

Sec. 247. Rules and regulations subject to change; benefits to be enjoyed so long as member meets requirements and complies with rules. 1923, c. 209, § 21. The rules and regulations prescribed for the administration of the retirement system shall be subject to change by the retirement board whenever deemed to be for the best interests of the entire body of teachers in the service of the state. But no changes affecting existing members of the association shall be made without their approval. The benefits of the retirement system shall be

CHAP. 19

enjoyed by each member of the retirement association so long as he meets all the requirements of sections two hundred twenty-eight to two hundred forty-eight inclusive and complies with all the rules and regulations of the retirement board.

Sec. 248. Teachers may elect between the retirement system and teachers' pensions; not eligible to both; teachers entering service after July 1, 1924, eligible to the retirement system only. 1923, c. 209, § 22. Any teacher in service previous to July first nineteen hundred twenty-four may elect between the provisions of sections two hundred twenty-eight to two hundred forty-eight and the provisions of sections two hundred nineteen to two hundred twenty-seven, but shall not in any case be eligible to benefits under both. No teacher entering into service after July first, nineteen hundred and twenty-four, shall be eligible to any benefits under sections two hundred nineteen to two hundred twenty-seven but shall be eligible to the benefits of sections two hundred twenty-eight to two hundred forty-eight only.

Maine School for the Deaf.

Sec. 249. Purpose of Maine school for the deaf. 1929, c. 255, § 1. The Maine school for the deaf, established by chapter four hundred and forty-six, of the private and special laws of eighteen hundred and ninety-seven, is to be devoted to the education and instruction of deaf and dumb children.

Sec. 250. State to assume charge and expenses. 1929, c. 255, § 2. Said school shall be located at Portland, in the county of Cumberland, and the state shall hereafter assume the entire charge, responsibility and expense of maintaining said school.

Sec. 251. Appointment of trustees; terms. 1929, c. 255, § 3. The government of said school is vested in a board of five trustees, to be appointed by the governor with the advice and consent of the council, to hold office for a term of five years, provided, however, that trustees now holding office shall continue therein until their respective terms shall have expired.

Sec. 252. Powers and duties of trustees. 1929, c. 255, § 4. The trustees shall have charge of the general interests of said school and see that its affairs are conducted in accordance with law. They may employ officers, teachers and other employees as they may deem advisable and fix the compensation of the same, subject to the approval of the governor and council; they may from time to time prescribe the system of education and course of study to be pursued in the school and shall be allowed for their services, their actual expenses and five dollars a day when actually employed.

Sec. 253. Admittance of children to school. 1929, c. 255, § 5. With the consent of its parent or guardian, the trustees may admit to said school for a term not exceeding twelve years, any deaf and dumb child residing in this state and not less than five years of age, who shall not be withdrawn or discharged from said school, except with the consent of the trustees or the governor and council, and the sums necessary for the support and instruction of such children while attending said school, shall be paid by the state.

Sec. 254. Admittance of children from other states. 1929, c. 255, § 6. Deaf and dumb children residing in other states may, at the discretion of the trustees, be admitted to said school upon the payment by their parents, guardian or other responsible agency of a reasonable compensation to be fixed by the trustees. All income from this or any other source shall be paid to the treasurer of state and shall be added to the appropriation for the maintenance of said school.