

# MAINE STATE LEGISLATURE

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## CHAPTER 7

## SUPERVISORY UNITS

Sec.

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**§ 151. Units for supervision; supervising principals where union impracticable**

It shall be the duty of the commissioner and State Board of Education to adjust the grouping of school administrative units within the State in accordance with the following:

**1. Existing unions with over 35 teachers and salary of superintendent over \$4,500.** Existing supervisory unions employing over 35 teachers and paying the superintendent of schools an annual salary of over \$4,500 shall not be regrouped unless the proposed regrouping shall have first been approved by a majority of the school committee members in the administrative units involved.

**2. Unions to include 35 to 75 teachers.** Supervisory unions shall include not less than 35 nor more than 75 teachers unless the commissioner 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 35 or more than 75 teachers.

**3. Reorganization.** On presentation of a written plan of organization which has been approved by the superintending school committees of the towns involved, the commissioner and

the board are authorized to combine 2 or more school unions, or parts thereof, into a larger supervisory unit administered by a superintendent of schools and staff assistants, who may be employed by the joint committee as provided in section 153, and the commissioner shall have authority to adjust disbursements for supervision so that there will be no loss in state support because of the reorganization.

**4. Less than 35 teachers.** Where School Administrative Districts or community school districts exist and they employ less than 35 teachers the commissioner and board may order the combination of any type of administrative units to form a supervisory unit if such combination as is proposed is approved by the school committees, community school committees and school directors involved.

**5. Less than 15 teachers.** When a School Administrative District employs less than 15 teachers and owing to geographical location or other reasons it is not practicable to combine with other administrative units to form a supervisory unit as authorized in this section, the directors, on approval of the commissioner and board, may employ a qualified person to serve as superintendent of schools and as supervising principal. (1963, c. 155, § 1.)

R.S.1954, c. 41, § 77; 1957, c. 364, § 37; 1963, c. 155, § 1.

## § 152. Supervision in School Administrative Districts

The school directors of a School Administrative District, upon notification by the commissioner, shall meet annually during the month of December of the year preceding the expiration date of the superintendent's contract, at a day and place determined by the chairman. At said meeting or as soon thereafter as possible, and whenever a vacancy shall occur, the school directors shall, subject to the conditions provided, choose by ballot a superintendent of schools for a term of not more than 5 years. The term for which a superintendent of schools is elected shall, in all cases, end on the 30th day of June of the year in which the contract expires. In case the school directors shall fail to legally elect a superintendent of schools by the 30th day of June in any year, a competent and qualified agent may, with the advice and consent of the commissioner, serve in said capacity until such time as his successor shall be legally elected.

Said directors, by a majority vote of their 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. Such superintendent of schools may appeal from the decision of such directors to the commissioner for a public hearing

No person shall be eligible to the office of superintendent of schools under this section, unless he shall hold a state certificate of superintendence grade. No person shall be eligible to said office if he is a member of the board of school directors which elects said superintendent.

R.S.1954, c. 41, § 78; 1957, c. 364, § 38.

**§ 153. Meetings; union superintendent removed for cause; salary; tenure**

The superintending school committees of the towns comprising a union shall form a joint committee, and for the purposes of this chapter said joint committee shall be held to be the agents of each town comprising the union. 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 commissioner shall meet annually, during the month of December, at a day and place agreed upon by the chairmen of the committees of the several towns comprising 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 commissioner, together with the amounts apportioned to each town, provided 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, subject to the conditions provided, choose by ballot a superintendent of schools for a term of not more than 5 years and the term for which a superintendent is elected shall, in all cases, end on the 30th day of June of the year in which the contract expires. In case the joint committee shall fail to legally elect a superintendent of schools by the 30th day of June in any year, a competent and

qualified agent may with the advice and consent of the commissioner serve in said capacity until such time as his successor shall be legally elected. Said committee, by a majority 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. Such superintendent of schools may appeal from the decision of such committee to the commissioner for a public hearing. The election of a superintendent of schools shall not be effective unless said election shall be approved by the superintending school committee of the town in the said union having a majority of the teachers in the towns comprising the union and paying not less than  $\frac{1}{2}$  of the salary, exclusive of any sums paid by the State for the purpose. No person shall be eligible to the office of superintendent of schools under this section unless he shall hold a state certificate of superintendence grade. No person shall be eligible to said office if he is a member of the superintending school committee which elects said superintendent. This section, so far as it relates to the manner of the election or employment of superintendents of schools, shall not apply to any administrative units authorized by other or special laws to employ or choose superintendents in manner otherwise than is herein provided

R.S.1954, c. 41, § 79; 1955, c. 64; 1957, c. 364, § 39.

#### **§ 154. Annual return; appropriation; expenses**

The chairman and secretary of the joint committee or school directors of the School Administrative District, shall, upon the election of a superintendent of schools as provided by sections 152 and 153, certify under oath to the commissioner, upon the forms prescribed by him, all facts relative to said union or district and employment of a superintendent. Annually, 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 comprising school unions a sum equal to the aggregate sum paid by the towns comprising the union. The amount so paid to any superintendent of schools shall not exceed \$1,350 in one year nor shall any superintendent of schools receive less than \$1,150 per year. Whenever a superintendent of schools serves as a supervising principal as authorized in section 151, subsection 5, the sum paid to such superintendents of schools shall

not exceed \$675 nor be less than \$575. The commissioner annually shall cause an investigation to be made of the conditions of supervision in supervisory units, including the relative financial support for supervision by the several supervisory units, 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 supervisory units. When it appears to the commissioner that the efficiency of supervision in any supervisory unit is or may be lessened because of the financial burden to administrative units, expenses for travel and other purposes required to be paid by the superintendent of such supervisory unit because of the number and location of schools, geographical or other conditions, said commissioner, annually in August, shall issue to the Governor and Council a recommendation relative thereto and on the approval of said recommendation, the State Controller upon the approval of the Governor and Council may draw a warrant for payment out of the sum appropriated for superintendence in favor of the superintendent or superintendents of schools employed in said supervisory unit within the school year ending June 30th immediately preceding. The amount so paid for the benefit of a single supervisory unit shall not exceed \$350 annually and shall be in addition to other payments made to said superintendent as provided in this section, and the amount so available for the equalization of such expenses shall not exceed  $\frac{1}{5}$  of the appropriation for superintendence. Whenever any person, while employed as a superintendent of schools, completes courses providing additional professional training which are approved by the commissioner, the commissioner, at intervals of not more than twice a year, may recommend to the Governor and Council that assistance be furnished such superintendents, and upon approval of these recommendations by the Governor and Council, the State Controller may draw a warrant for payment out of the appropriation for superintendence of such payments as are recommended.

R.S.1954, c. 41, § 80; 1957, c. 364, § 40; c. 443, §§ 13, 14; 1961, c. 366, § 1-A; 1963, c. 155, § 2.

**§ 155. Municipalities with 75 teachers need not unite; report; removal from existing union**

The superintending school committee of a city or town having under its care and custody an aggregate of more than 75 teachers may employ a superintendent of schools without uniting with

other administrative units 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 section 153. Annually, in the month of June or whenever a superintendent of schools is chosen, the chairman and secretary pro tempore of the committee or board of education shall certify to the commissioner, upon forms prescribed by him, all facts relative to the employment of a superintendent including the amount of the salary to be paid. Upon the approval of said certificate by the commissioner, the superintendent so employed shall, on presentation of proper vouchers, receive monthly out of the sum appropriated for superintendence of towns comprising school unions a sum equal to the amount paid by the town, provided the amount so paid shall not exceed \$1,350 for one year for the superintendent of any one town.

When a town having more than 75 teachers under its care and custody shall remove itself from an existing school union composed of not more than 2 towns, the remaining town shall, with the consent of its school committee members and the State Board of Education, be treated as though said remaining town had more than 75 teachers under its care and custody, provided that said remaining town has more than 40 teachers under its care and custody.

R.S.1954, c. 41, § 81; 1955, c. 210; 1957, c. 364, § 41; 1959, c. 150.

### § 156. Remote administrative units; agent

Whenever the commissioner shall find on investigation that any administrative unit is so situated that it is not practicable to combine with other units for the purpose of employing a superintendent of schools in accordance with sections 151 to 155 and sections 159 to 162, he may place at the service of the committee or school directors of such administrative unit the general agent for the schooling of the children in unorganized townships, or any other agent of the commissioner, who shall, when so assigned, serve as the superintendent of schools of said administrative unit. 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. His visits to the schools of said administrative unit shall be at such intervals as may be directed by the commissioner.

R.S.1954, c. 41, § 82; 1963, c. 403, § 5.

**§ 157. Reimbursements**

Whenever the schools of any administrative unit shall be placed under the supervision of agents of the commissioner, as provided by section 156, the treasurer of said administrative unit shall pay to the Treasurer of State a sum which shall be at the rate of \$25 annually for each teaching position in said administrative unit, and the amount so received shall be credited to the General Fund.

R.S.1954, c. 41, § 83; 1963, c. 403, § 6.

**§ 158. Appropriation for superintendent's salary**

Administrative units 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 shall be paid out of the appropriation made for the support or maintenance of public schools or high schools as provided under section 3721, subsection 2.

R.S.1954, c. 41, § 84; 1957, c. 364, § 42; c. 443, § 15.

**§ 159. Instruction conference**

The commissioner shall annually hold a conference for the instruction of superintendents serving under sections 151 to 158. He may expend out of the appropriation for superintendence an amount sufficient to defray the mileage expenses of such superintendents, but no superintendent shall be entitled to any part of such expenses unless he shall regularly attend all sessions of such conference.

R.S.1954, c. 41, § 85; 1957, c. 364, § 43.

**§ 160. Regulations for issuance of certificates**

Persons employed to serve as superintendents of schools shall hold state certificates of superintendence grade which shall be issued under such regulations as may be prescribed by the commissioner.

R.S.1954, c. 41, § 86; 1957, c. 364, § 44.

**§ 161. Powers and duties of superintendents**

A superintendent of schools shall have the following powers and duties:

1. **Secretary ex officio.** He shall be, ex officio, secretary of the superintending school committee or board of school directors

and of any school building committee chosen by the administrative unit and shall perform such duties not enumerated as said committees or board shall direct.

1957, c. 364, § 45.

**2. Auditor; vouchers to be approved.** 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 or directors 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 or in School Administrative Districts unless they shall have been approved by a majority of the school directors or a finance committee of that board selected by them.

1957, c. 364, § 45.

**3. 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. He shall make a written report annually 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 commissioner.

1957, c. 364, § 45.

**4. 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 or directors, 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.

1957, c. 364, § 45.

**5. Shall nominate teachers; election to be approved by committee; probationary period; teachers may be elected under contract.** He shall nominate all teachers, subject to such regulations governing salaries and the qualifications of teachers as the

superintending school committee or school directors shall make, and upon the approval of nominations by said committee or directors, he may employ teachers so nominated and approved for such terms as he may deem proper, subject to the approval of the school committee or school directors. Except that after a probationary period of not to exceed 3 years, subsequent contracts of duly certified teachers shall be for not less than 2 years, and unless a duly certified teacher receives written notice to the contrary at least 6 months before the terminal date of the contract, the contract shall be extended automatically for one year and similarly in subsequent years, although the right to an extension for a longer period of time through a new contract is specifically reserved to the contracting parties. After a probationary period of 3 years, any teacher, who receives notice in accordance with this section that his contract is not going to be renewed, may during the 15 days following such notification request a hearing with the school committee or governing board. He may request reasons. The hearing shall be private except by mutual consent and except that either or both parties may be represented by counsel. Such hearing must be granted within 30 days of the receipt of the teacher's request.

The right to terminate a contract, after due notice of 90 days, is reserved to the superintending school committee or school directors when changes in local conditions warrant the elimination of the teaching position for which the contract was made. In case the superintendent of schools and the superintending school committee or school directors fail to legally elect a teacher, the commissioner shall have authority to appoint a substitute teacher who shall serve until such election is made.

1957, c. 364, § 45; 1959, c. 248.

**6. Shall supervise work of teachers.** He shall direct and supervise the work of all teachers.

**7. Shall select and purchase textbooks on approval of committee.** He shall select textbooks, supplies and apparatus subject to the approval of the superintending school committee or school directors and shall make all purchases of the same under such regulations as the superintending school committee or school directors shall adopt.

1957, c. 364, § 45.

**8. 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.

**9. Shall enforce rules of committee.** He shall enforce or cause to be enforced all regulations of the superintending school committee or school directors.

1957, c. 364, § 45.

**10. Shall devote entire time to superintendence.** He shall devote his entire time to superintendence in the towns comprising the union or School Administrative District. He may, without violation of this section, perform such educational service outside of the towns of his union or School Administrative District as may be performed with the approval of the commissioner and with the consent of the committee or directors employing him. (1957, c. 364, § 45.)

R.S.1954, c. 41, § 87; 1957, c. 364, § 45; 1959, c. 248.

## § 162. Misappropriation of funds; penalty

If any part of the money raised by the administrative unit or union of towns, or paid to them by the State for superintendence, is expended for any other purposes than those provided for in sections 154 and 155, then each person so misappropriating said money shall forfeit double the sum so misapplied, to be recovered in a civil action in the name and to the use of the town by any inhabitant thereof. No administrative unit 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 administrative unit or union of towns.

R.S.1954, c. 41, § 88; 1957, c. 364, § 46; 1961, c. 317, § 85.