

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

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Legislative Document

No. 1014

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H. P. 770

House of Representatives, February 9, 1965

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

JEROME G. PLANTE, Clerk

Presented by Mr. Cookson of Glenburn.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-FIVE

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AN ACT Transferring Education of Indians to the Department of Education.

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

Sec. 1. R. S., T. 20, c. 121, additional. Title 20 of the Revised Statutes is amended by adding a new chapter 121, as follows:

CHAPTER 121

EDUCATION OF INDIANS

§ 1501. Schools—Penobscot tribe of Indians

All moneys appropriated for schools for the Penobscot tribe of Indians shall be expended under the supervision of the commissioner, subject to the approval of the department. Said commissioner and the superintendent of the Old Town schools shall jointly employ the teachers and fix their salaries, limited by such appropriation. Said teachers shall meet all minimum qualifications as required for certification in the public schools of the State. The schools upon Island Number 1, commonly called Indian Old Town Island, shall be under the care and supervision of the superintendent of schools of the City of Old Town; and those within the territorial limits of any other town under the care and supervision of the superintending school committee of such town. Said superintendent or school committee shall visit such schools at least 3 times during each school term, regulate the grades and courses of study, assist the teachers and scholars by counsel, and make reports to the Commissioner of Education once each year, noting therein such facts and information as may seem of importance in the interest of education among said tribe or as may be required by the said department. The superintendent of schools of Old Town shall have such authority over the schools on Indian Island as superintendents in any town may have, except as limited by

this section. Said superintendent shall be paid from the state appropriation for school superintendents a sum not exceeding \$100 per year for his services. The children of Indian Island may have the option of attending the Old Town schools whenever their parents may express a desire for them to so attend and the superintendent of schools shall transfer them to the building appropriate and suitable for their grades. The said children of said island shall be subject to all compulsory attendance laws as provided in chapter 105, except that the superintendent of the Old Town schools and the commissioner shall jointly have full authority to enforce the full provisions of said attendance laws, and for purposes of such enforcement the attendance officer for the City of Old Town shall act as attendance officer for Indian Island. All laws relating to the public schools shall be applicable to the schools on Indian Island, and the superintendent of the Old Town schools and the commissioner shall be jointly responsible for the enforcement of said laws. Whenever it shall be shown that any of the children of the Penobscot tribe of Indians shall have completed the course of study for elementary schools as prescribed or shall have passed the examination prepared by the Commissioner of Education for entrance into high school, such children shall be granted entrance to any high school in this State, to which said children may apply under the same conditions as pupils residing in towns that do not maintain a free high school, as provided in section 1291, except that such tuition for such pupils shall be paid by the department from Indian funds. Said tuition shall be based on the average cost per pupil for the year preceding that for which the tuition is paid and the tuition rates shall be determined by the formula prescribed in section 1292 for secondary schools. Tuition likewise for the children of the Penobscot tribe of Indians who attend the elementary schools of any city or town in this State shall be paid to said city or town by the department in similar manner and based on the average cost per pupil in the year preceding that for which tuition is paid and the tuition rates shall be determined by the formula prescribed in section 1292 for secondary schools.

#### § 1502. Schools—Passamaquoddy tribe of Indians

The school at the Pleasant Point reservation shall be under the care and supervision of the superintendent of schools of the Town of Perry or of the school union of which Perry may be a member. The school at Peter Dana Point shall be under the care and supervision of the superintendent of schools of the Town of Princeton or of the school union of which Princeton may be a member. All subjects shall be taught in the English language, and the textbooks used shall be the same as those used in the town in which said schools are located. Said superintendents shall visit said schools at least 4 times during each school term, regulate the grades and courses of study, assist the teachers and scholars by counsel or discipline, and make report once each year to the commissioner, noting therein such facts and information as may seem of importance in the interest of education among the Indians of said reservation, or as may be required by the department. The State shall pay said superintendents reasonable compensation for said services. The compensation shall not be less than \$100 in each case, and shall be paid out of the state fund for the superintendence of school unions. The said children of the Passamaquoddy tribe shall be subject to all compulsory attendance laws as provided in chapter 105, except that the superintendent of schools of the Town of Perry or of the school union of which Perry may be a member and the commis-

sioner shall jointly have full authority to enforce the full provisions of said attendance laws at Pleasant Point and for purposes of such enforcement the attendance officer for the Town of Perry shall act as attendance officer for Pleasant Point, and the superintendent of schools of the Town of Princeton or of the school union of which Princeton may be a member and the commissioner shall jointly have full authority to enforce the full provisions of said attendance laws at Peter Dana Point, and for purposes of such enforcement the attendance officer for the Town of Princeton shall act as attendance officer for Peter Dana Point. Whenever it shall be shown that any of the children of the Passamaquoddy tribe living on the reservations shall have completed the course of study for elementary schools as prescribed or shall have passed the examination prepared by the Commissioner of Education for entrance into high school, such children shall be granted entrance to any high school in the State to which said children may apply under the same conditions as pupils residing in towns that do not maintain a free high school, as provided in section 1291, except that tuition for such pupils shall be paid by the department from Indian funds. Said tuition shall be based on the average instructional cost per pupil for the year preceding that for which the tuition is paid and the tuition rates shall be determined by the formula prescribed in section 1292 for secondary schools. Tuition likewise for the children of the Passamaquoddy tribe of Indians who attend the elementary schools of any city or town in this State shall be paid to said city or town by the department in similar manner and based on the average cost per pupil in the year preceding that for which tuition is paid and the tuition rates shall be determined by the formula prescribed in section 1292 for secondary schools.'

**Sec. 2. R. S., T. 22, §§ 4774 and 4838, repealed.** Sections 4474 and 4838 of Title 22 of the Revised Statutes are repealed.

**Sec. 3. Transfer of funds.** All funds appropriated by the 102nd Legislature to the Department of Health and Welfare for the education of Indians shall be transferred to the Department of Education for the same purposes.

**Sec. 4. Appropriation.** There is appropriated from the General Fund to the Department of Education the sum of \$19,500 for the fiscal year ending June 30, 1967. The breakdown shall be as follows:

	1966-67
EDUCATION, DEPARTMENT OF	
Personal Services	\$14,840
All Other	4,660
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	\$19,500