

# MAINE STATE LEGISLATURE

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# Sixty-Eighth Legislature.

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HOUSE.

No. 92.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED  
AND NINETY-SEVEN

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AN ACT to amend certain sections of the Revised Statutes  
as now amended, relating to the Public Schools.

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*Be it enacted by the Senate and House of Representatives in  
Legislature assembled, as follows:*

Section 1. Section 3 of chapter 11 of the Revised Statutes,  
2 as amended by sections 2 and 3 of chapter 216 of the Public  
3 Laws of 1893, is hereby amended by striking out all of said  
4 section after the word "town" in the sixteenth line thereof,  
5 and adding 'but any public school failing to maintain an  
6 average attendance for any school year of at least ten pupils  
7 shall be and hereby is discontinued, unless the town in  
8 which said school is located shall by vote instruct its super-  
9 intending school committee to maintain said school. The

10 superintendent of schools in each town shall procure the  
11 conveyance of all public school pupils residing in his town,  
12 to and from the nearest school, for a period of at least twenty  
13 weeks, in each year, when such pupils reside at such a  
14 distance from the said school as to render such conveyance  
15 necessary;’ so that said section as amended shall read as  
16 follows:

‘Section 3. This act shall not abolish or change the loca-  
18 tion of any school legally established at the time of its  
19 passage; but any town at its annual meeting, or at a meet-  
20 ing called for the purpose, may determine the number and  
21 location of its schools, and may discontinue them or change  
22 their location; but such discontinuance or change of loca-  
23 tion shall be made only on the written recommendation of  
24 the superintending school committee, and on conditions  
25 proper to preserve the just rights and privileges of the  
26 inhabitants for whose benefit such schools were established;  
27 provided, however, that in case of any school having, as  
28 now established, or which shall hereafter have, too few  
29 scholars for its profitable maintenance, the superintending  
30 school committee may suspend the operation of such school  
31 for not more than one year, unless otherwise instructed by  
32 the town, but any public school failing to maintain an  
33 average attendance for any school year, of at least ten  
34 pupils, shall be and hereby is discontinued, unless the town  
35 in which said school is located shall by vote instruct its  
36 superintending school committee to maintain said school.

37 The superintendent of schools in each town shall procure  
38 the conveyance of all public school pupils residing in his  
39 town, to and from the nearest suitable school, for a period  
40 of at least twenty weeks in each year, when such pupils  
41 reside at such a distance from the said school as to render  
42 such conveyance necessary.’

Sect. 2. Section 8 of chapter 11 of the Revised Statutes,  
2 as amended by chapter 268 of the Public Laws of 1889, is  
3 hereby amended by inserting after the word “books” in the  
4 first line the words ‘apparatus and appliances’ and is further  
5 amended by inserting after the word “schools” in the second  
6 line the words ‘including all free high schools,’ also by  
7 striking out the words “and all” in the third line and insert-  
8 ing in place thereof the words ‘and shall also pay for the  
9 necessary repairs of school buildings and insurance on  
10 same, if any, improvement and maintenance of school yards  
11 and play grounds out of a sum or sums of,’ and also by  
12 inserting the word ‘which’ after the word “purpose” in the  
13 fourth line thereof, so that said section as amended shall  
14 read as follows:

‘Section 8. Towns shall provide school books, apparatus  
16 and appliances for the use of the pupils in the public schools,  
17 including all free high schools, at the expense of said town;  
18 and shall also pay for the necessary repairs of school build-  
19 ings and insurance on same, if any, improvement and main-  
20 tenance of school yards and play grounds out of a sum or  
21 sums of money raised and appropriated for that purpose

22 which shall be assessed like other moneys; provided, how-  
23 ever, that any parent or guardian of any pupil in the public  
24 schools may, at his own expense, procure for the separate  
25 and exclusive use of such pupil, the text books required  
26 to be used in such schools.'

Sect. 3. Section 18 of chapter 11 of the Revised Statutes,  
2 as amended by chapter 216 of the Public Laws of 1893, is  
3 hereby amended by striking out of the third line thereof  
4 the words "five or seven unless already done," so that said  
5 section as amended, shall read as follows:

'Section 18. Every town shall choose by ballot at its  
7 annual meeting, a superintending school committee of  
8 three, to hold office as provided in section 86 and shall fill  
9 vacancies arising therein at each subsequent annual meet-  
10 ing. No person is ineligible to the office of superintend-  
11 ing school committee, on account of sex.'

Sect. 4. Section 86 of chapter 11 of the Revised Statutes,  
2 as amended by chapter 216 of the Public Laws of 1893 is  
3 hereby amended by striking out the words "if consisting of  
4 three" in the fourth line thereof and also by striking out  
5 the words "if consisting of five, one for one year, two for  
6 two years, and two for three years; if consisting of seven,  
7 two for one year, two for two years, and three for three  
8 years," and at the end of the section adding the following  
9 words 'and the term of office of any member of the com-  
10 mittee so chosen, shall expire at the next annual town  
11 meeting. No member of the superintending school com-

12 mittee of any town shall be employed as a teacher in any  
13 public school in said town,' so that said section as amended  
14 shall read as follows:

'Section 86. School committees at their first meeting  
16 shall designate by lot a member or members to hold office  
17 for one, two and three years respectively, in manner as fol-  
18 lows: one for one year, one for two years and one for  
19 three years; and they shall certify such designation to the  
20 town clerk to be by him recorded. Said committee shall  
21 have power to fill vacancies occurring during the interim  
22 between annual meetings, and the term of office of any  
23 member of the committee so chosen shall expire at the next  
24 annual town meeting. No member of the superintending  
25 school committee of any town shall be employed as a  
26 teacher in any public school in said town.'

Sect. 5. Section 87 of chapter 11 of the Revised Statutes,  
2 and all acts additional thereto and amendatory thereof, so  
3 far as they relate to said section, are hereby repealed.

Sect. 6. Paragraph VII of section 88 of chapter 11 of the  
2 Revised Statutes, as amended by chapter 216 of the Public  
3 Laws of 1893, is hereby amended by adding thereto the  
4 words 'He shall also furnish such other information as the  
5 said superintendent shall at any time require of him,' so  
6 that said paragraph VII as amended shall read as follows:

'VII. He shall give in his returns the number of persons  
8 between the ages of four and twenty-one years, corrected  
9 to the first day of April preceding the time of making said

10 returns, and full and complete answers to the inquiries con-  
11 tained in the blank forms furnished him by law; certify that  
12 such statement is true and correct, according to his best  
13 knowledge and belief; and transmit it to the office of the  
14 State superintendent on or before the first day of each May.  
15 He shall also furnish such other information as the said  
16 superintendent shall at any time require of him.'

Sect. 7. Section 92 of chapter 11 of the Revised Statutes,  
2 as amended by chapter 216 of the Public Laws of 1893, is  
3 hereby amended by adding after the word "pay" in the  
4 second line thereof, the words 'unless otherwise voted by  
5 the town' and by striking out in the second line the words "by  
6 them elected," so that said section as amended shall read  
7 as follows:

'Section 92. Superintending school committees shall  
9 serve without pay, unless otherwise voted by the town, but  
10 the superintendent shall receive for his services such sum  
11 as the town shall annually vote therefor, which sum shall  
12 in no case be less than two dollars per day for every day  
13 of actual service.'

Sect. 8. Section 102 of chapter 11 of the Revised Statutes,  
2 as hereby amended by striking out the word "common" in  
3 the second line thereof and inserting in place thereof the  
4 word 'public,' so that said section as amended shall read as  
5 follows:

'Section 102. The governor with the advice and consent  
7 of council, shall appoint a state superintendent of public

8 schools, who shall be sworn and continue in office  
9 three years, or during the pleasure of the executive; vacan-  
10 cies shall be filled by a new appointment for a like term.'

Sect. 9. Section 104 of chapter 11 of the Revised Statutes,  
2 is amended by adding thereto paragraph XI, which said  
3 paragraph shall read as follows:

'Paragraph XI. The State superintendent shall furnish  
5 to the school officers of each town, proper blank books in  
6 which shall be kept complete and itemized records of all  
7 matters relating to moneys appropriated, received and  
8 expended for schools, which said books shall remain the  
9 property of the State.'

Sect. 10. Chapter 11 of the Revised Statutes as now  
2 amended, is further amended by adding thereto the follow-  
3 ing section:

'Section 127. The management of the schools and the  
5 custody and care including repairs and insurance on school  
6 buildings, and of all school property in every town, shall  
7 devolve upon a superintending school committee which  
8 shall annually elect a superintendent of schools who shall  
9 not be a member of the committee, who shall be ex-officio  
10 secretary of the committee, but any town may elect a super-  
11 intendent of schools by ballot at the regular town meeting.  
12 Said superintendent shall perform the following duties:

(1) He shall make in April annually a certified list of the  
14 names and ages of all persons in his town, from four to  
15 twenty-one years, corrected to the first day of said month,



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

(2) He shall examine the schools and inquire into the  
20 regulations and discipline thereof and the proficiency of the  
21 scholars, for which purpose he shall visit each school at  
22 least twice each term.

(3) He shall make all reports and returns relating to the  
24 schools of the town which are now or may be required by  
25 law to be made by superintending school committees.

(4) He shall perform such other duties as said committee  
27 shall direct.

(5) He shall, with the advice and consent of the superin-  
29 tending school committee, appoint suitable times and places  
30 for the examination of candidates proposing to teach in  
31 town, and shall give notice thereof by posting the same in  
32 two or more public places within the town, at least three  
33 weeks, before the time of said examination, or by the publi-  
34 cation of said notice for a like time in one or more news-  
35 papers having the largest circulation in the county. He  
36 shall employ teachers for the several districts in the town.  
37 Five days constitute the school week, and four weeks a  
38 school month.

(6) On satisfactory evidence that a candidate possesses a  
40 good moral character, and a temper and disposition suitable  
41 to be an instructor of youth, he shall (with the advice and  
42 consent of the superintending school committee) examine

43 him in reading, spelling, English grammar, geography,  
44 history, arithmetic, book-keeping, civics and physiology  
45 with special reference to the effects of alcoholic drinks, stim-  
46 ulants and narcotics upon the human system; and the ele-  
47 ments of the natural sciences, especially as applied to agri-  
48 culture, and such other branches as he desires to introduce  
49 into public schools, and particularly into the school for  
50 which he is examined; also as to his capacity for the govern-  
51 ment thereof.

(7) He shall (with the advice and consent of the superin-  
53 tendent school committee) give to each candidate found  
54 competent, a certificate that he is qualified to govern said  
55 school and instruct in the branches above named, and such  
56 other branches as may be necessary to be taught therein;  
57 or he may render valid by indorsement, any graded certifi-  
58 cate issued to teachers by normal school principals, or the  
59 State superintendent. No certificate shall be granted to  
60 any person to teach in the public schools in this State after  
61 the fourth day of July eighteen hundred and eighty-five,  
62 who has not passed a satisfactory examination in physiology  
63 and hygiene, with special reference to the effects of alco-  
64 holic drinks, stimulants and narcotics upon the human  
65 system.

(8) Direct the general course of instruction and select a  
67 uniform system of text-books. And when said superin-  
68 tendent shall have made such selection of school books, he  
69 shall contract, under section eight, with the publishers for

70 the purchase and delivery thereof, and make such rules as  
71 he deems effectual for their preservation and return.

(9) He shall (with the advice and consent of the superin-  
73 tending school committee) make provisions for instructing  
74 all pupils in all schools supported by public money, or under  
75 State control, in physiology and hygiene, with special refer-  
76 ence to the effects of alcoholic drinks, stimulants and  
77 narcotics upon the human system.

(10) After due notice and investigation he shall (with the  
79 advice and consent of the superintending school committee)  
80 dismiss any teacher, although having the requisite certifi-  
81 cate, who proves unfit to teach, or whose services he deems  
82 unprofitable to the school; and give to said teacher a certifi-  
83 cate of dismissal and of the reasons therefor, a copy of  
84 which he shall retain, which shall not deprive the tacher of  
85 compensation for previous services.

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

(12) Exclude, if he deems it expedient, any person not  
92 vaccinated, although otherwise entitled to admission.

(13) Determine what description of scholars shall attend  
94 each school, classify them, and transfer them from school  
95 to school where more than one school is kept at the same  
96 time'

Sect. 11. All acts and parts of acts inconsistent with this  
2 act are hereby repealed.

Sect. 12. This act shall take effect when approved.

STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES,  
February 15, 1897.

Reported by Mr. BLANCHARD of Wilton, from Committee on Education, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*