

# MAINE STATE LEGISLATURE

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# SEVENTY-SECOND LEGISLATURE

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HOUSE.

No. 278

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND FIVE.

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AN ACT to amend chapter fifteen (15) of the Revised Statutes  
of Maine, relating to education.

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

Section 1. Section thirteen (13) of chapter fifteen (15) of  
2 the Revised Statutes is hereby amended by adding after the  
3 word "apportioned," in the last line of said section, the words  
4 'but nothing in this section shall be so construed as to annul,  
5 or render void, the provisions made in section eighteen (18)  
6 of this chapter for the establishment and maintenance of  
7 union schools by adjoining towns;' so that said section, as  
8 amended, shall read as follows:

'Sect. 13. Every town shall raise and expend, annually, for  
10 the support of common schools therein, exclusive of the  
11 income of any corporate school fund, or of any grant from  
12 the revenue or fund from the State, or of any voluntary dona-

13 tion, devise or bequest, or of any forfeiture accruing to the  
14 use of schools, not less than eighty cents for each inhabitant,  
15 according to the census by which representatives to the legis-  
16 lature were last apportioned, under penalty of forfeiting not  
17 less than twice nor more than four times the amount of its  
18 deficiency, and all moneys provided by towns, or apportioned  
19 by the State for the support of common schools, shall be  
20 expended for the maintenance of common schools established  
21 and controlled by the towns by which said moneys are pro-  
22 vided, or to which said moneys are apportioned; but nothing  
23 in this section shall be so construed as to annul, or render  
24 void, the provisions made in section eighteen (18) of this  
25 chapter for the establishment and maintenance of union  
26 schools by adjoining towns.'

Sect. 2. Section fifteen (15) of said chapter fifteen (15)  
2 is hereby amended by adding, after the word "items," in the  
3 last line of said section, the words, 'The unexpended balance  
4 of all moneys raised by towns, or received from the State,  
5 for the payment of wages and board of teachers, fuel, jani-  
6 tors' services, conveyance or tuition and board of scholars,  
7 shall be credited to the school fund of the town and shall be  
8 brought forward in the item of resources for the year fol-  
9 lowing that in which said unexpended balance occurred. This  
10 clause, relating to unexpended balances, shall not apply to  
11 cities,' so that said section, as amended, shall read as follows:

'Sect. 15. No money appropriated by law for public schools  
13 shall be paid from the treasury of any town, except upon the  
14 written order of its municipal officers; and no such order  
15 shall be drawn by said officers except upon presentation of  
16 a properly avouched bill of items. The unexpended balance  
17 of all moneys raised by towns, or received from the State  
18 for the payment of wages and board of teachers, fuel, jani-  
19 tors' services, conveyance or tuition and board of scholars,  
20 shall be credited to the school fund of the town and shall be

21 brought forward in the item of resources for the year fol-  
22 lowing that in which said unexpended balance occurred. This  
23 clause, relating to unexpended balances, shall not apply to  
24 cities.'

Sect. 3. Section sixteen (16) of said chapter fifteen (15)  
2 is hereby amended by inserting, after the word "State" and  
3 before the word "they" in the sixth line of said section, the  
4 words 'or, in any way, to comply with the laws prescribing  
5 the duties of towns in relation to public schools,' so that said  
6 section, as amended, shall read as follows:

'Sect. 16. When the governor and council have reason to  
8 believe that a town has neglected to raise and expend the  
9 school money required by law, or to examine teachers as pre-  
10 scribed by law, or to have instruction given in the subjects  
11 prescribed by law or to provide suitable text-books in the  
12 subjects prescribed by law, or faithfully to expend the school  
13 money received from the State, or, in any way, to comply  
14 with the laws prescribing the duties of towns in relation to  
15 public schools, they shall direct the treasurer of State to  
16 withhold further payment to such town from the State school  
17 fund and mill tax until such town satisfies them that it has  
18 expended the full amount of school money as required by  
19 law.'

Sect. 4. Section nineteen (19) of said chapter fifteen (15)  
2 is hereby amended by inserting after the words "towns shall,"  
3 in the first line of said section, the words 'expend the entire  
4 amount of the school fund and mill tax received from the  
5 State, together with the amounts arising from the eighty  
6 (80) cents per capita, as provided in section thirteen (13)  
7 of said chapter fifteen (15) and the funds arising from the  
8 various sources enumerated in the first four (4) lines of sec-  
9 tion thirteen (13) of said chapter and the funds arising from  
10 the provisions of section fourteen (14) of said chapter, for  
11 the payment of teachers' wages and board, fuel, janitors'

12 services, conveyance of scholars and tuition and board of  
13 scholars, as provided in section two (2) and section fifty (50)  
14 of said chapter fifteen (15) and shall,' so that said section  
15 nineteen (19), as amended, shall read as follows:

'Sect. nineteen (19). Towns shall expend the entire  
17 amount of the school fund and mill tax received from the  
18 State, together with the amounts arising from the eighty  
19 (80) cents per capita, as provided in section thirteen (13) of  
20 said chapter fifteen (15) and the funds arising from the vari-  
21 ous sources enumerated in the first four (4) lines of section  
22 thirteen (13) of said chapter and the funds arising from the  
23 provisions of section fourteen (14) of said chapter, for the  
24 payment of teachers' wages and board, fuel, janitors' services,  
25 conveyance of scholars and tuition and board of scholars, as  
26 provided in section two (2) and section fifty (50) of said  
27 chapter fifteen (15) and shall provide school books, appa-  
28 ratus and appliances for the use of pupils in the public  
29 schools, including all free high schools, at the expense of said  
30 town; and shall also pay for the necessary repairs of school  
31 buildings and insurance on same, if any, improvement and  
32 maintenance of school yards and playgrounds out of a sum  
33 or sums of money raised and appropriated for that purpose  
34 which shall be assessed like other money and shall be in addi-  
35 tion to and independent of the amount which towns are  
36 required by law to raise, assess and expend for the support  
37 of common schools; *provided, however,* that any parent or  
38 guardian of any pupil in the public schools may, at his own  
39 expense, procure for the separate and exclusive use of such  
40 pupil, the text-books required to be used in such schools.'

Sect. 5. Section thirty-five (35) of said chapter fifteen  
2 (15) is hereby amended by striking out of said section, after  
3 the word "duties," in the second line of said section, all of  
4 paragraph one (1) of said section, which paragraph is as fol-  
5 lows:

“I. They shall appoint suitable times and places for the  
7 examination of candidates proposing to teach in town, and  
8 shall give notice thereof by posting the same in two or more  
9 public places within the town at least three weeks before the  
10 time of said examination, or by the publication of said notice  
11 for a like time in one or more newspapers having the largest  
12 circulation in the county. Five days constitute the school  
13 week, and four weeks a school month.”

Also by striking out all of paragraph IV of said section,  
15 which paragraph is as follows:

“IV. Examine the schools, and inquire into the regulations  
17 and discipline thereof, and the proficiency of the scholars, for  
18 which purpose one or more of the committee shall visit each  
19 school at least twice in summer and twice in winter; and use  
20 their influence to secure the regular attendance at school of  
21 the youth in their town.”

Also by re-numbering the several paragraphs of said sec-  
23 tion, so that said section thirty-five (35), as amended, shall  
24 read as follows:

‘Sect. 35. Superintending school committees shall perform  
26 the following duties:

1. Direct the general course of instruction, and select a  
28 uniform system of text-books, due notice of which shall be  
29 given; no text-book thus introduced, shall be changed for  
30 five years unless by vote of the town; any person violating  
31 this provision shall forfeit not exceeding five hundred dollars,  
32 to be recovered in an action of debt by any school officer or  
33 person aggrieved. And when said committee have made  
34 such selection of school books, they may contract, under sec-  
35 tion nineteen, with the publishers for the purchase and deliv-  
36 ery thereof; make such rules as they deem effectual for their  
37 preservation and return; or, if they are kept for sale, may  
38 regulate the sale and appoint an agent to keep and sell them,

39 and fix the retail price, which shall be marked on the title  
40 page of each book.

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

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

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

V. Exclude, if they deem it expedient, any person not vac-  
59 cinated, although otherwise entitled to admission.

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

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

Sect. 6. Section thirty-six (36) of said chapter fifteen (15)  
2 is hereby amended by inserting after the words "shall direct,"  
3 in the third line of said section, the words:

'I. They shall appoint suitable times and places for the  
5 examination of candidates proposing to teach in town, and

6 shall give notice thereof by posting the same in two or more  
7 public places within the town at least three weeks before the  
8 time of said examination, or by the publication of said notice  
9 for a like time in one or more newspapers having the largest  
10 circulation in the county. Five days constitute the school  
11 week, and four weeks a school month.'

Also by re-numbering the several paragraphs of said sec-  
13 tion, so that said section thirty-six (36), as amended, shall  
14 read as follows:

'Section 36. The superintendent of schools in every town  
16 shall be, ex-officio, secretary of the superintending school  
17 committee and shall perform such duties not herein enumer-  
18 ated as said committee shall direct.

I. He shall appoint suitable times and places for the exam-  
20 ination of candidates proposing to teach in town, and shall  
21 give notice thereof by posting the same in two or more public  
22 places within the town at least three weeks before the time of  
23 said examination, or by the publication of said notice for a  
24 like time in one or more newspapers having the largest circu-  
25 lation in the county. Five days constitute the school week,  
26 and four weeks a school month.

II. On satisfactory evidence that a candidate possesses a  
28 good moral character and a temper and disposition suitable  
29 for an instructor of youth, he shall examine him in reading,  
30 spelling, English grammar, geography, history, arithmetic,  
31 civil government, bookkeeping, and physiology with special  
32 reference to the effects of alcoholic drinks, stimulants and  
33 narcotics upon the human system; and the elements of the  
34 natural sciences, especially as applied to agriculture, and such  
35 other branches as the superintending school committee desire  
36 to introduce into public schools, and particularly into the  
37 school for which he is examined; also as to his capacity for  
38 the government thereof.



III. He shall give to each candidate found competent, a  
40 a certificate that he is qualified to govern said school and  
41 instruct in the branches above named, and such other  
42 branches as may be necessary to be taught therein, or he may  
43 render valid by indorsement any graded certificates issued to  
44 teachers by normal school principals. No certificate shall be  
45 granted any person to teach in the public schools of the State,  
46 who has not passed a satisfactory examination in physiology  
47 and hygiene, with special reference to the effects of alcoholic  
48 drinks, stimulants and narcotics upon the human system.

IV. He shall employ teachers, subject to the approval of  
50 the superintending school committee.

V. He shall return under oath to the school committee, in  
52 April annually, a certified list of the names and ages of all  
53 persons in his town from five to twenty-one years, corrected  
54 to the first day of said month, leaving out of said enumera-  
55 tion all persons coming from other places to attend any col-  
56 lege or academy, or to labor in any factory, or at any manu-  
57 facturing or other business.'

Sect. 7. Section thirty-eight (38) of said chapter fifteen  
2 (15) is hereby amended by striking out the words "He shall  
3 annually make a statement containing" in the first line of  
4 said section and inserting in place thereof the words "The  
5 return called for in section thirty-seven (37) shall contain,"  
6 also by striking out, after the word "particulars," in the  
7 second line of said section, all of paragraph I of said section,  
8 which paragraph is as follows: "I. The amount of money  
9 raised and expended for the support of schools, designating  
10 what part is raised by taxes, and what part from other funds,  
11 and how such funds accrued;" also by re-numbering the  
12 several paragraphs of said section, so that said section thirty-  
13 eight (38), as amended, shall read as follows:

'Section 38. The return called for in section thirty-seven  
15 (37) shall contain the following particulars:

I. The number of children between five and twenty-one  
17 years of age, belonging to his town, on the first day of April  
18 preceding.

II. The whole number and the average number of scholars  
20 attending the summer schools; the whole number and the  
21 average, attending the winter schools, also the total number  
22 of different scholars attending school two weeks or more of  
23 the preceding year, as shall appear from the teachers' regis-  
24 ters returnable as provided in section eighty-five.

III. The average length of the summer schools in weeks;  
26 the average length of the winter schools in weeks; and the  
27 average length of the schools for the year.

IV. The number of male, and of female teachers employed  
29 in the public schools during any part of the year.

V. The wages of male teachers a month, and the wages  
31 of female teachers a week, the cost of board to be added to  
32 the wages, in case the town pays the board.'

Sec. 8. Section forty-five (45) of said chapter fifteen (15)  
2 is hereby amended by adding after the words "union of  
3 towns," in the last line of said section, the words, "The pro-  
4 visions of this section and of the five preceding sections shall  
5 apply equally to towns formed by the union of two or more  
6 towns;" so that said section forty-five (45), as amended,  
7 shall read as follows:

'Section 45. No town shall receive State aid under section  
9 forty-two unless its appropriation and expenditure for super-  
10 intendence have been exclusive of the amount required by  
11 law for common school purposes. If any part of the money  
12 raised by the towns or union of towns, or paid to them by  
13 the State for superintendence, is expended for any other  
14 purposes than those provided for in said section, then each  
15 person so misappropriating said money shall forfeit double  
16 the sum so misapplied, to be recovered in an action of debt,  
17 in the name and to the use of the town, by any inhabitant

18 thereof; and no town or union of towns shall receive further  
19 aid under said section until the amount so misapplied has  
20 been raised and expended for superintendence by such town  
21 or union of towns.'

Sect. 9. Section forty-nine (49) of said chapter fifteen  
2 (15) is hereby amended by inserting after the words "is in  
3 session," in the third line of said section, the words 'and an  
4 absence therefrom of one-half day, or more, shall be deemed  
5 a violation of this requirement;' and by striking out after the  
6 word "shall" in the third line from the last in said section,  
7 the words "forfeit a sum" and inserting in place thereof the  
8 words 'be punished by a fine;' also by striking out after the  
9 word "dollars" in the last line but one in said section, the  
10 words, "to the treasurer of the city or town;" so that said  
11 section, as amended, shall read as follows:

'Section 49. Every child between the seventh and fifteenth  
13 anniversaries of his birth shall attend some public day school  
14 during the time such school is in session, and an absence  
15 therefrom of one-half day or more shall be deemed a viola-  
16 tion of this requirement; provided that necessary absence  
17 may be excused by the superintending school committee or  
18 superintendent of schools or teachers acting by direction of  
19 either; provided also, that such attendance shall not be  
20 required if the child obtained equivalent instruction, for a  
21 like period of time, in an approved private school or in any  
22 other manner approved by the superintending school com-  
23 mittee; provided, further, that children shall not be credited  
24 with attendance at a private school until a certificate showing  
25 their names, residences and attendance at such school signed  
26 by the person or persons having such school in charge, shall  
27 be filed with the school officials of the town in which said  
28 children reside; and provided, further, that the superintend-  
29 ing school committee may exclude from the public schools  
30 any child whose physical or mental condition makes it inex-

31 pedient for him to attend. All persons having children  
32 under their control shall cause them to attend school as pro-  
33 vided in this section, and for every neglect of such duty shall  
34 be punished by a fine not exceeding twenty-five dollars or  
35 shall be imprisoned not exceeding thirty days.'

Sect. 10. Section fifty-one (51) of said chapter fifteen is  
2 hereby amended by striking out, after the word "person," in  
3 the seventh line of said section, the words "liable to the  
4 penalty provided in said section" and by inserting in place  
5 thereof the words 'neglecting to perform the duties pre-  
6 scribed in said section by promptly entering a complaint  
7 before a magistrate' and by striking out after the word  
8 "neglecting" in the thirteenth line of said section the words  
9 "to prosecute when directed as required by law" and insert-  
10 ing in place thereof the words 'any duty required of them  
11 under the provisions of this chapter' and by striking out,  
12 after the words "fifty dollars" in the fourteenth line of said  
13 section, the words "to the use of the public schools in the city  
14 or town neglecting as aforesaid, or to the use of the public  
15 schools in the city or town where such truant officer resides,"  
16 so that said section fifty-one (51), as amended, shall read  
17 as follows:

'Section 51. Cities and towns shall annually elect one or  
19 more persons, to be designated truant officers, who shall  
20 inquire into all cases of neglect of the duties prescribed in  
21 section forty-nine and ascertain the reasons therefor, and  
22 shall promptly report the same to the superintending school  
23 committee, and such truant officers or any of them shall,  
24 when so directed by the school committee or superintendent  
25 in writing, prosecute in the name of the city or town, any  
26 person neglecting to perform the duties prescribed in said  
27 section by promptly entering a complaint before a magistrate,  
28 and said officers shall, when notified by any teacher that any

29 pupil is irregular in attendance, arrest and take such pupil to  
30 school when found truant; and further such officers shall  
31 enforce the provisions of sections one hundred and eighteen  
32 to one hundred and twenty, inclusive, of this chapter. Every  
33 city or town neglecting to elect truant officers, and truant  
34 officers neglecting any duty required of them under the pro-  
35 visions of this chapter shall forfeit not less than ten nor more  
36 than fifty dollars. The municipal officers shall fix the com-  
37 pensation of the truant officers, elected as prescribed in this  
38 section. Superintending school committees may fill vacan-  
39 cies occurring during the year, and shall elect truant officers  
40 at their first meeting after the annual meeting of the town,  
41 in case the town neglects to do so, or the truant officers elect,  
42 or any of them, fail to qualify.'

Sect. 11. Section fifty-three (53) of said chapter fifteen  
2 (15) is hereby amended by striking out after the word  
3 "shall," which is the last word in the fourth line of said  
4 section, the words "forfeit not exceeding twenty dollars for  
5 the use of the public schools of the city or town in which  
6 such child resides, to be recovered by the truant officer on  
7 complaint" and by inserting in place thereof the words 'be  
8 punished by a fine not exceeding twenty dollars,' so that said  
9 section, as amended, shall read as follows:

'Section 53. Any person having control of a child, who is  
11 an habitual truant, as defined in the foregoing section, and  
12 being in any way responsible for such truancy, and any per-  
13 son who induces a child to absent himself from school, or  
14 harbors or conceals such child when he is absent, shall be  
15 punished by a fine not exceeding twenty dollars or shall be  
16 imprisoned not exceeding thirty days.'

Sect. 12. Section fifty-four (54) of said chapter fifteen  
2 (15) is hereby amended by adding after the word "fifty-  
3 three," in the last line of said chapter, the words 'all war-  
4 rants issued by said courts or trial justices upon complaint,

5 or for an offence committed under said sections and all legal  
6 processes issued by said courts or trial justices for the pur-  
7 pose of carrying into effect the provisions of this section and  
8 of said sections numbered forty-nine (49), fifty-one (51)  
9 and fifty-three (53), shall be directed to and executed by the  
10 truant officer, or either of the truant officers, of the town  
11 where the offence is committed. All fines collected under  
12 said three last named sections shall be paid to the treasurer  
13 of the city or town in which the offence is committed, for the  
14 support of the public schools therein,' so that said section  
15 fifty-four, as amended, shall read as follows:

'Section 54. On complaint of the truant officer, an habitual  
17 truant, if a boy, may be committed to the State School for  
18 Boys, or if a girl, to the State Industrial School for Girls,  
19 or to any truant school that may hereafter be established.  
20 Police or municipal courts and trial justices shall have juris-  
21 diction of such complaint and of the offenses described in  
22 sections forty-nine, fifty-one and fifty-three. All warrants  
23 issued by said courts or trial justices upon such complaint,  
24 or for an offence committed under said sections, and all legal  
25 processes issued by said courts or trial justices for the pur-  
26 pose of carrying into effect the provisions of this section and  
27 of said sections numbered forty-nine, fifty-one and fifty-  
28 three, may be directed to and executed by the truant officer,  
29 or either of the truant officers, of the town where the offence  
30 is committed. All fines, collected under said two last named  
31 sections, shall be paid to the treasurer of the city or town in  
32 which the offence is committed, for the support of the public  
33 schools therein.'

Sect. 13. Section sixty-two (62) of said chapter fifteen  
2 (15) is hereby amended by inserting after the word "town"  
3 in the first line of said section the words 'which does not  
4 maintain a free high school of standard grade' and, further,

5 by inserting after the word "town" in the first part of the  
6 third line of said section, the words 'or with the school board  
7 of any adjoining town' and by erasing the word "established"  
8 in the fifth line of said section and inserting in place thereof  
9 the word 'approved,' also by inserting after the word "made"  
10 in the sixth line of said section the words 'with the trustees  
11 of any academy,' also by inserting after the word "academy,"  
12 in the tenth line of said section, the words 'or in such free  
13 high school,' so that said section sixty-two (62) as amended  
14 shall read as follows:

'Section 62. Any town which does not maintain a free high  
16 school of standard grade may from year to year authorize  
17 its superintending school committee to contract with and pay  
18 the trustees of any academy in said town, or with the school  
19 board of any adjoining town for the tuition of scholars  
20 within such town in the studies contemplated by the seven  
21 preceding sections, under a standard of scholarship to be  
22 approved by such committee; and when such contract has  
23 been made with the trustees of any academy the school com-  
24 mittee with an equal number from the board of trustees of  
25 such academy shall form a joint committee for the selection  
26 of all teachers and the arranging of the course of study in  
27 such academy, when such academy has less than ten thou-  
28 sand dollars endowment; and the expenditure of any town  
29 for tuition in such academy, or in such free high school, shall  
30 be subject to the same conditions and shall entitle such town  
31 to the same State aid as if it had made such expenditure for  
32 a free high school.'

Sect. 14. Section eighty-eight (88), of said chapter fifteen  
2 (15) is hereby amended by adding after the word "days" in  
3 the last line of said section the words, 'When any one of the  
4 above named holidays falls upon a Sunday, the Monday  
5 following shall be observed as a school holiday, with all the  
6 privileges applying to any of the days above named;' so that

7 said section eighty-eight (88), as amended, shall read as  
8 follows:

‘Section 88. The following days shall be observed as school  
10 holidays, namely: New Year’s day, January one; Washing-  
11 ton’s birthday, February twenty-two; Memorial day, May  
12 thirty; Independence day, July four; Labor holiday, first  
13 Monday in September; Christmas day, December twenty-  
14 five; Thanksgiving, Fast and Arbor days, as appointed by  
15 the governor and council. *Provided, however,* that Arbor  
16 day shall not be recognized as a school holiday, unless  
17 observed by teacher and pupils for the purpose of which it is  
18 designated by the governor and council. All teachers of  
19 public schools in the State may close their schools on the days  
20 above mentioned and draw pay the same as if their schools  
21 had been in session upon those days. When any one of the  
22 above named holidays falls upon a Sunday, the Monday  
23 following shall be observed as a school holiday, with all the  
24 privileges applying to any of the days above named.’



STATE OF MAINE

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HOUSE OF REPRESENTATIVES,

Augusta, February 27, 1905.

Reported by Mr. STEARNS from Committee on Education and  
ordered printed under joint rules.

E. M. THOMPSON, *Clerk*