

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)

SEVENTY-NINTH LEGISLATURE

SENATE

NO. 28

In Senate, January 22, 1919.

Referred to Committee on Education and 500 ordered printed.
Sent down for concurrence.

P. F. CRANE, Secretary.

Presented by Senator Walker of Somerset.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND NINETEEN

AN ACT to amend Section 2 of Chapter 16 of the Revised
Statutes.

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

Section 2 of chapter 16 of the revised statutes is
2 hereby amended by adding thereto the following: 'If
3 upon written application made by any parent, guardian or
4 other person having custody of any such pupil requesting
5 it to take necessary action to authorize the Superintendent
6 of Schools to furnish conveyance of said pupil as afore-
7 said, the superintending school committee fails to take ac-
8 tion thereon, or to notify said applicant within ten days of
9 its action thereon, or decides that such conveyance is un-

10 necessary, the applicant may appeal to the Judge of the
11 Probate Court in the county or to the Judge of any Mu-
12 nicipal Court having jurisdiction of civil cases arising in
13 said town and file with said appeal a bond to the town in
14 the sum of one hundred dollars to prosecute his said ap-
15 peal and pay the costs of appeal, if said appeal be dismissed,
16 the sufficiency of said bond to be determined by said judge.
17 If upon said appeal it appears that said school committee
18 either failed to act or give notice of its action within said
19 time, or unreasonably determined that such conveyance was
20 unnecessary either for a whole or part of the distance as
21 aforesaid, such judge shall proceed to determine whether
22 or not such pupil or pupils reside at such a distance from
23 the said school as shall render conveyance necessary either
24 a whole or part of said distance, and shall prescribe the dis-
25 tance such pupils shall be conveyed if at all. Said judge
26 shall have the further authority in said proceedings, if re-
27 quested by the school committee, and in his discretion on
28 all the facts to make an order allowing the parent, guar-
29 dian or person having the custody of said pupil a sum of
30 money in lieu of procuring the conveyance by the superin-
31 tendent of schools as aforesaid and thereupon said parent,
32 guardian or person having the custody of said pupil shall
33 be charged with the duty of conveying said pupil the dis-
34 tance prescribed by said judge,' so that said section as
35 amended shall read as follows :

'Sect. 2. No change in location of any school legally es-

2 tablished; towns may determine number and location on
3 recommendation of school committee; schools with few
4 scholars may be suspended; superintendent shall procure
5 conveyance for scholars; committee may furnish board in-
6 stead of providing conveyance. R. S. c. 15, Sec. 2, 1907, c.
7 90. 1913, c. 148. The location of any school legally estab-
8 lished prior to the seventeenth day of March, eighteen hun-
9 dred and ninety-three, continues unchanged, notwithstand-
10 ing the district is abolished; but any town at its annual
11 meeting, or at a meeting called for the purpose, may deter-
12 mine the number and location of its schools, and may dis-
13 continue them or change their location; but such discontin-
14 uance or change of location shall be made only on the writ-
15 ten recommendation of the superintending school commit-
16 tee, and on conditions proper to preserve the just rights and
17 privileges of the inhabitants for whose benefit such schools
18 were established; provided, however, that in case any school
19 shall hereafter have too few scholars for its profitable main-
20 tenance, the superintending school committee may suspend
21 the operation of such school for not more than one year
22 unless otherwise instructed by the town, but any public
23 school failing to maintain an average attendance for any
24 school year, of at least eight pupils, shall be and hereby is
25 suspended, unless the town in which said school is located
26 shall by vote, at the annual meeting, or at a meeting called
27 for that purpose, after the said committee shall have made
28 a written recommendation to that effect, instruct its super-

29 intending school committee to maintain said school. The
30 superintendent of schools in each town shall procure the
31 conveyance of all common school pupils residing in his
32 town, a part or the whole of the distance, to and from the
33 nearest suitable school, for the number of weeks for which
34 schools are maintained in each year, when such pupils re-
35 side at such a distance from the said school as in the judg-
36 ment of the superintending school committee shall render
37 such conveyance necessary. Provided, however, that the su-
38 perintending school committee may authorize the superin-
39 tendent of schools, to pay the board of any pupil or pupils
40 at a suitable place near any established school instead of
41 providing conveyance for said pupil or pupils, when in their
42 judgment it may be done at an equal or less expense than
43 by conveyance. If upon written application made by any
44 parent, guardian or other person having custody of any
45 such pupil requesting it to take necessary action to author-
46 ize the superintendent of schools to furnish conveyance of
47 said pupil as aforesaid, the superintending school commit-
48 tee fails to take action thereon, or to notify said applicant
49 within ten days of its action thereon, or decides that such
50 conveyance is unnecessary, the applicant may appeal to the
51 Judge of the Probate Court in the county or to the judge of
52 any Municipal Court having jurisdiction of civil cases aris-
53 ing in said town and file with said appeal a bond to the town
54 in the sum of one hundred dollars to prosecute his said
55 appeal and pay the costs of appeal, if said appeal be dis-

56 missed, the sufficiency of said bond to be determined by
57 said judge. If upon said appeal it appears that said school
58 committee either failed to act or give notice of its action
59 within said time, or unreasonably determined that such con-
60 veyance was unnecessary either for a whole or part of the
61 distance as aforesaid, such judge shall proceed to deter-
62 mine whether or not such pupil or pupils reside at such a
63 distance from the said school as shall render conveyance
64 necessary either a whole or part of said distance, and shall
65 prescribe the distance such pupils shall be conveyed if at all.
66 Said judge shall have the further authority in said proceed-
67 ings, if requested by the school committee, and in his dis-
68 cretion on all the facts to make an order allowing the pa-
69 rent, guardian or person having the custody of said pupil
70 a sum of money in lieu of procuring the conveyance by the
71 superintendent of schools as aforesaid and thereupon said
72 parent, guardian or person having the custody of said pu-
73 pil shall be charged with the duty of conveying said pupil
74 the distance prescribed by said judge.