

# MAINE STATE LEGISLATURE

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**EIGHTIETH LEGISLATURE**

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**HOUSE**

**NO. 216**

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House of Representatives, March 2, 1921.

Referred to Committee on Education and 2000 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Varney of Jonesboro.

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**STATE OF MAINE**

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**IN THE YEAR OF OUR LORD ONE THOUSAND  
NINE HUNDRED AND TWENTY-ONE**

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AN ACT to Establish the State School Fund and to Provide  
for the Apportionment of the Same.

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

Section 1. A tax of three and one-third mills on a dollar  
2 shall annually be assessed upon all the property in the state  
3 according to the value thereof and said tax shall be assessed  
4 and collected in the same manner as other state taxes and  
5 be paid into the state treasury. To the fund resulting from  
6 said tax the treasurer of state annually shall add a sum  
7 equal to six per cent of the permanent school fund, as pro-  
8 vided by law, and a sum equal to one-half the amount re-  
9 ceived by the state from the tax on the franchises of savings

10 banks and on the deposits of trust and banking companies,  
11 as provided by law. The sum total of the amount so as-  
12 sessed and collected shall be designated the state school  
13 fund and after the deduction therefrom of all funds and  
14 appropriations which the treasurer of state is authorized  
15 by law to deduct, the balance shall be distributed among  
16 the several cities, towns and plantations of the state in the  
17 manner provided for by this act to be expended by said  
18 cities, towns and plantations for the maintenance and sup-  
19 port of elementary and secondary schools established and  
20 controlled by them.

Sect. 2. For the purposes of this act the following terms  
2 are defined:

The term "elementary school" shall be understood to in-  
2 clude that part of the school organization of a town in which  
3 is offered a program of studies preceding that offered by  
4 a Class A high school as defined by section seventy-three  
5 of chapter sixteen of the revised statutes.

The term "secondary school" shall be understood to in-  
2 clude that part of the school organization of a town of-  
3 fering a program or studies as included in Class A high  
4 schools or any part thereof as defined by section seventy-  
5 three of chapter sixteen of the revised statutes and as ar-  
6 ranged for by the establishment and maintenance of a free  
7 high school, a union high school or by contract with the  
8 superintendent school committee of an adjoining town or  
9 with the trustees of an academy within the town or in an

10 adjoining town as provided for by section eighty-four of  
11 chapter sixteen of the revised statutes.

The term "teaching positions" shall be understood to mean  
2 positions in elementary and secondary schools filled by class-  
3 room teachers, assistant classroom teachers, school princi-  
4 pals, school nurses and supervisors of special subjects ex-  
5 cept when any such position is used as a basis for payment  
6 of state aid under the provisions of the laws encouraging  
7 industrial, vocational and physical education or when any  
8 such position is filled by a person devoting less than half  
9 of the school day to the duties of such positions. Provided,  
10 however, that the number of teaching positions in a sec-  
11 ondary school shall be reckoned in such ratio to the actual  
12 number of such positions as the aggregate attendance of pu-  
13 pils residents of the town is to the aggregate attendance of  
14 all pupils regularly enrolled in the school and provided fur-  
15 ther that a teaching position in an elementary or a secondary  
16 school maintained for any part of the school year shall be  
17 reckoned in such ratio to a complete position as the number  
18 of weeks which the position was maintained is to the number  
19 of weeks schools of the town were maintained.

The term "school census" shall be understood to mean  
2 the number of persons between the ages of five and twenty-  
3 one years as provided for by section forty-nine of chapter  
4 sixteen of the revised statutes.

The term "aggregate attendance" shall be understood to  
2 include the total number of days of attendance for any one

3 school year of each regularly enrolled pupil resident of the  
4 town in elementary and secondary schools; provided that  
5 the attendance of each pupil present on the day preceding  
6 shall be counted for each school holiday within any school  
7 term, for each day of the school year when there is no ses-  
8 sion of school because of absence of the teacher in attend-  
9 ance on teachers' meeting as provided by law and not for  
10 more than one day in each term when there is no session of  
11 school because of the absence of the teacher in visiting other  
12 schools when so authorized by superintending school com-  
13 mittee.

Sect. 3. On the first day of July, nineteen hundred twenty-  
2 two, and annually thereafter, the state auditor shall report  
3 to the state superintendent of public schools the amount  
4 of the state school fund and all deductions therefrom pro-  
5 vided for by law, and the state superintendent of public  
6 schools shall apportion said state school fund to the several  
7 cities, towns and plantations in the manner provided for  
8 by this act and shall transmit a report of said apportionment  
9 to the governor and council. Upon approval of said report  
10 by the governor and council there shall be paid to the treas-  
11 urers of said towns in December nineteen hundred twenty-  
12 two and annually thereafter the amounts so apportioned.

Sect. 4. In addition to the other funds and appropriations  
2 provided for by law to be deducted from the state school  
3 fund, there shall annually be deducted the sum of one hun-  
4 dred and fifty thousand dollars, the same to be denominated

5 the school equalization fund and to be apportioned and dis-  
6 tributed in the manner and for the purposes provided for  
7 by section nine of this act. From the state school fund  
8 there shall also be apportioned such sums as may be re-  
9 quired for payment to towns for reimbursement of tuition  
10 in secondary schools as provided for by section five of this  
11 act and such sums as may be required for payment to towns  
12 on account of teaching positions maintained as provided for  
13 by section six of this act and the balance of said state school  
14 fund shall be divided into two equal parts, one part of which  
15 shall be apportioned and distributed to towns on the basis  
16 of school census as provided for by section seven of this  
17 act, and the other part of which shall be apportioned and  
18 distributed to towns on the basis of aggregate attendance  
19 as provided for by section eight of this act.

Sect. 5. When any town shall have been required to pay  
2 and has paid tuition for pupils attending secondary schools  
3 as provided by section eighty-five of chapter sixteen of the  
4 revised statutes the superintendent of schools of such town  
5 shall make a return under oath to the state superintendent  
6 of public schools before the first day of September, nine-  
7 teen hundred and twenty-two, and annually thereafter for  
8 the preceding school year, stating the name of each pupil  
9 for whom tuition has been paid, the amount paid by the  
10 town for each and the name and location of the school  
11 which each has attended. Upon the approval of said re-  
12 turn the state superintendent of public schools shall appor-

tion to such town a sum equal to two-thirds the amount thus paid by such town not to exceed forty dollars for any one pupil or six hundred dollars for any one town. Provided further that tuition for such pupils may be paid by towns to an amount not exceeding the average cost per pupil for the year preceding that for which the tuition is paid in the school attended by such pupil but such payment by any town shall not exceed one hundred dollars for any pupil for any one year.

Sect. 6. On the basis of information furnished to the state superintendent of public schools by the return of educational statistics for the year ending July first, nineteen hundred and twenty-two, and annually thereafter as provided for by section fifty-one of chapter sixteen of the revised statutes, said state superintendent shall apportion to each town the sum of one hundred dollars for each teaching position, or a corresponding fractional part of one hundred dollars for each fractional part of a teaching position maintained in the elementary and secondary schools of such town.

Sect. 7. On the basis of the school census of the towns on April first, nineteen hundred and twenty-two, and annually thereafter as returned under the provisions of section fifty of chapter sixteen of the revised statutes, the state superintendent of public schools shall apportion to the several towns the amount available for distribution for

7 this purpose on the basis of the school census of each town.

Sect. 8. On the basis of information furnished to the  
2 state superintendent of public schools by the return of edu-  
3 cational statistics for the year ending July first, nineteen  
4 hundred and twenty-two, and annually thereafter as pro-  
5 vided for by section fifty-one of chapter sixteen of the re-  
6 vised statutes, the state superintendent of public schools  
7 shall apportion to the several towns the amount available  
8 for this purpose on the basis of the aggregate attendance  
9 of pupils in elementary and secondary schools maintained  
10 by those towns.

Sect. 9. The school equalization fund shall be apportioned  
2 by the state superintendent of public schools to the towns  
3 qualified to receive aid from said fund as follows:

I. Whenever any school lawfully established and main-  
2 tained by a town for the number of weeks of school pro-  
3 vided for in said town fails to record at least fifteen hun-  
4 dred days aggregate attendance for the pupils enrolled in  
5 said school, there may be apportioned to the town main-  
6 taining said school such amount as, added to the amount  
7 already apportioned under section eight of this act on ac-  
8 count of aggregate attendance in said school, will give to  
9 said town on account of said school an amount equal to  
10 that apportioned for fifteen hundred days aggregate attend-  
11 ance.

II. When any school has been closed by order of the  
2 proper authorities because of the prevalence of an epidemic



3 or because of the unfitness of the school building from the  
4 effects of fire or other unpreventable causes and when the  
5 teacher employed in said school has received pay for the  
6 period for which the school has been closed, there may be  
7 apportioned to the town in which said school is located a  
8 sum equal to that which would have been apportioned under  
9 the provisions of section eight of this act for the aggregate  
10 attendance of pupils regularly enrolled in said school dur-  
11 ing the period in which it was closed, provided, however,  
12 that such attendance shall not be reckoned beyond fifteen  
13 days of such a period and provided further that such attend-  
14 ance shall not be reckoned if the time so lost was made up  
15 within the school year with no additional expenditure for  
16 the wages of the teacher therefor.

III. Whenever any school is closed or suspended after  
2 this act becomes effective as provided for by section two  
3 of chapter sixteen of the revised statutes and pupils attend-  
4 ing such school have been conveyed to another school under  
5 such conditions of conveyance as may be approved by the  
6 state superintendent of public schools, there may be appor-  
7 tioned to the town in which such school was maintained  
8 such amount as, added to the amount apportioned under  
9 the provisions of section six of this act on account of teach-  
10 ing positions, will give to said town, on account of said  
11 school, the same amount as though this position had been  
12 maintained for the entire year. Provided further that so  
13 long as said school remains closed and satisfactory convey-

14 ance is maintained there may be apportioned the same  
15 amount as for the maintenance of a teaching position, pro-  
16 vided, however, that the amount so apportioned shall not  
17 exceed one-half the cost of such conveyance.

IV. Whenever any town through its superintendent or  
2 superintending school committee shall submit to the state  
3 superintendent of public schools a definite plan for con-  
4 solidation of schools, conveyance of pupils, housing of teach-  
5 ers, standardization of schools, or other projects especially  
6 worthy of encouragement, said state superintendent of pub-  
7 lic schools shall investigate such plan and upon approval  
8 of the same may recommend to the governor and council  
9 the payment to such town of an amount, not exceeding five  
10 hundred dollars in any one year, as an encouragement to  
11 such plan or project, provided, however, that the total  
12 amount available for aid under this paragraph shall not  
13 exceed ten per cent of the equalization fund.

V. Such amount of the school equalization fund not ap-  
2 portioned as provided for by the four preceding paragraphs  
3 shall be apportioned to towns wherein a rate of taxation  
4 considerably in excess of the average rate for the state fails  
5 to produce a school revenue sufficient to secure a reason-  
6 able standard of educational efficiency; provided, that the  
7 rate of taxation hereinbefore named shall be reckoned on  
8 the basis of the amount or amounts actually raised by tax-  
9 ation by the town for the support of elementary and sec-  
10 ondary schools for the purposes named in section eleven

11 of this act, exclusive of any amounts received from the  
12 state; provided further that no town shall receive an appor-  
13 tionment out of the school equalization fund unless its mu-  
14 nicipal tax rate for all purposes shall be in excess of a rate  
15 which is three mills less than the average of such rates for  
16 all the towns of the state. The state superintendent of  
17 public schools shall cause a special investigation to be made  
18 of the educational facilities of such towns and, whenever  
19 it appears to the state superintendent that any town should  
20 receive special aid or encouragement for the purpose of  
21 raising the standard of qualifications of teachers or of in-  
22 creasing the length of the school year or otherwise adding  
23 to the efficiency of the schools, he shall issue to the gov-  
24 ernor and council a recommendation relative thereto, and  
25 the governor and council may draw a warrant in favor of  
26 the treasurer of said town for the payment from the equal-  
27 ization fund of a sum which shall be expended under the  
28 direction of the superintending school committee of said  
29 town in accordance with the recommendation as made by  
30 the state superintendent of public schools. The state super-  
31 intendent of public schools may expend for the special in-  
32 vestigation of educational facilities as herein provided a  
33 sum not to exceed two thousand dollars which shall be de-  
34 ducted from the equalization fund.

Sect. 10. Amounts apportioned from the state school  
2 funds on account of union elementary schools shall be paid  
3 to the town in which said school is located and the amounts

4 to be contributed by each town for the maintenance of such  
5 school shall be determined by the superintending school com-  
6 mittees of the said towns. Amounts apportioned on account  
7 of union high schools shall be paid to the towns maintain-  
8 ing said school in proportion to the aggregate attendance  
9 of pupils resident of each of said towns.

Sect. 11. Amounts received by the towns from the state  
2 school fund may be expended by said town, in conjunction  
3 with such funds as the towns shall raise and appropriate,  
4 for the following purposes in both elementary and second-  
5 ary schools: the payment of teachers' wages and board, fuel,  
6 janitors' services, conveyance, tuition and board of pupils,  
7 textbooks, reference books and school supplies for desk or  
8 laboratory use. The unexpended balance of all moneys  
9 raised by towns or received from the state for the above  
10 purposes shall be credited to the school resources for the  
11 year following that in which said unexpended balance ac-  
12 crued.

Sect. 12. One-half the amount received by any town from  
2 the apportionment provided by this act shall be deemed to  
3 be raised by such town within the meaning of section six-  
4 teen of chapter sixteen of the revised statutes.

Sect. 13. Whenever the information required for the pur-  
2 poses of this act is not available, because of the failure of  
3 the town, through its officers, to make the returns required  
4 by law, or because of the loss or destruction of the school  
5 records of a town, the state superintendent of public schools

6 may use as a basis for apportionment numbers on which  
7 the apportionment for said town was made for the pre-  
8 ceding year less ten per cent. But no apportionment as  
9 provided by this act shall be paid to any town by the treas-  
10 urer of state until returns required by law have been filed  
11 with the state superintendent of public schools, nor so long  
12 as any state tax assessed upon such towns remains unpaid.

Sect. 14. Whenever in chapter sixteen of the revised stat-  
2 utes authority is given to deduct appropriations or funds  
3 from state school funds or from the school mill fund, it  
4 shall be understood that such deductions shall be made from  
5 the state school fund as described in section one of this act.

Sect. 15. All unexpended balances of the state school fund  
2 or of any funds or appropriations deducted therefrom shall,  
3 at the close of the year for which said fund or appropria-  
4 tion is available, be added to the permanent school fund of  
5 the state.

Sect. 16. All acts and parts of acts inconsistent with this  
2 act are hereby repealed. Such acts so repealed include all  
3 of the following sections of chapter sixteen of the revised  
4 statutes: sections seventy-two, seventy-four and seventy-  
5 seven providing for state aid to free high schools; section  
6 eighty-six providing for secondary school reimbursement;  
7 sections one hundred and fifty-four, one hundred and fifty-  
8 five, one hundred and fifty-six, one hundred and fifty-seven,  
9 one hundred and fifty-eight, one hundred and fifty-nine, one  
10 hundred and sixty, one hundred and sixty-one, one hundred

11 and sixty-two, one hundred and sixty-three, one hundred  
12 and sixty-four and one hundred and sixty-five providing  
13 for the assessment and distribution of the school mill fund  
14 and the common school fund ; section one hundred and sixty-  
15 six, one hundred and sixty-seven and one hundred and sixty-  
16 eight providing for the creation and distribution of the equal-  
17 ization fund ; chapter two hundred and twenty-eight of the  
18 public laws of nineteen hundred and nine providing for an  
19 equalization fund for secondary schools is also repealed.