

MAINE STATE LEGISLATURE

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(NEW DRAFT)

EIGHTIETH LEGISLATURE

HOUSE

NO. 458

House of Representatives, April 1, 1921.

On motion of Mr. Murchie of Calais ordered that 500 copies of bill "An Act to Establish State School Fund" be printed.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Varney of Jonesboro.

STATE OF MAINE

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

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

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 as-
4 sessed and collected in the same manner as other state taxes
5 and be paid into the state treasury. To the fund resulting
6 from said tax the treasurer of state annually shall add a
7 sum equal to six per cent of the permanent school fund,
8 as provided by law, and a sum equal to one-half the amount

9 received by the state from the tax on the franchises of
10 savings banks and on the deposits of trust and banking
11 companies, as provided by law. The sum total of the
12 amount so assessed and collected shall be designated the
13 state school fund and after the deduction therefrom of all
14 funds and appropriations which the treasurer of state is
15 authorized by law to deduct, the balance shall be distrib-
16 uted among the several cities, towns and plantations of the
17 state in the manner provided for by this act to be expended
18 by said cities, towns and plantations for the maintenance
19 and support of elementary and secondary schools estab-
20 lished and 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
3 which is offered a program of studies preceding that offered
4 by 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 of 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 superintending 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, supervisors, assistants to supervisors and
5 teachers of special subjects except when any such position
6 is used as a basis for payment of state aid under the pro-
7 visions of the laws encouraging industrial, vocational and
8 physical education or when any such position is filled by
9 a person devoting less than half of the school day to the
10 duties of such positions. Provided, however, that the num-
11 ber of teaching positions in a secondary school shall be
12 reckoned in such ratio to the actual number of such posi-
13 tions as the aggregate attendance of pupils residents of
14 the town is to the aggregate attendance of all pupils reg-
15 ularly enrolled in the school and provided further that a
16 teaching position in an elementary or a secondary school
17 maintained for any part of the school year shall be reckoned
18 in such ratio to a complete position as the number of weeks
19 which the position was maintained is to the number of
20 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
11 of school because of the absence of the teacher in visiting
12 other schools when so authorized by superintending school
13 committee.

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

5 school equalization fund and to be apportioned and distrib-
6 uted in the manner and for the purposes provided for by
7 section nine of this act. From the state school fund there
8 shall also be apportioned such sums as may be required for
9 payment to towns for reimbursement of tuition in secondary
10 schools as provided for by section five of this act, and such
11 sums as may be required for payment to towns on account
12 of teaching positions maintained as provided for by section
13 six of this act, and such sums as may be required for ap-
14 portionment to towns on the basis of school census as pro-
15 vided for by section seven of this act, and the balance of
16 said state school fund shall be apportioned and distributed
17 to towns on the basis of aggregate attendance as provided
18 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-
13 tion to such town a sum equal to two-thirds the amount thus
14 paid by such town not to exceed forty dollars for any one

15 pupil or six hundred dollars for any one town. Provided
16 further that tuition for such pupils may be paid by towns
17 to an amount not exceeding the average cost per pupil for
18 the year preceding that for which the tuition is paid in
19 the school attended by such pupil but such payment by any
20 town shall not exceed one hundred dollars for any pupil
21 for any one year.

Sect. 6. On the basis of information furnished to the
2 state superintendent of public schools by the return of ed-
3 ucational 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, said state superintendent shall apportion to
7 each town the sum of one hundred dollars for each teach-
8 ing position, or a corresponding fractional part of one hun-
9 dred dollars for each fractional part of a teaching position
10 maintained in the elementary and secondary schools of such
11 town.

Sect. 7. On the basis of the school census of the towns
2 on April first, nineteen hundred and twenty-two, and an-
3 nually thereafter, as returned under the provisions of sec-
4 tion fifty of chapter sixteen of the revised statutes, the state
5 superintendent of public schools shall apportion to each
6 town the amount of three dollars for each person returned
7 in the school census for said town.

Sect. 8. On the basis of information furnished to the
2 state superintendent of public schools by the return of ed-
3 ucational 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 at-
11 tendance.

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 during
11 the period in which it was closed, provided, however, that
12 such attendance shall not be reckoned beyond fifteen days
13 of such a period and provided further that such attendance
14 shall not be reckoned if the time so lost was made up within
15 the school year with no additional expenditure for the wages
16 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 at-
4 tending such school have been conveyed to another school
5 under such conditions of conveyance as may be approved
6 by the state superintendent of public schools, there may
7 be apportioned to the town in which such school was main-
8 tained such amount as, added to the amount apportioned
9 under the provisions of section six of this act on account
10 of teaching positions, will give to said town, on account of
11 said school, the same amount as though this position had
12 been maintained for the entire year. Provided further that
13 so long as said school remains closed and satisfactory con-
14 veyance 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
5 teachers, standardization of schools, or other projects es-
6 pecially worthy of encouragement, said state superintendent
7 of public schools shall investigate such plan and upon ap-
8 proval of the same may recommend to the governor and
9 council the payment to such town of an amount, not ex-
10 ceeding five hundred dollars in any one year, as an encour-
11 agement to such plan or project, provided, however, that
12 the total amount available for aid under this paragraph shall
13 not 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 taxa-
9 tion by the town for the support of elementary and second-
10 ary schools for the purposes named in section eleven of this
11 act, exclusive of any amounts received from the state; pro-
12 vided, further, that no town shall receive an apportionment
13 out of the school equalization fund unless its municipal tax
14 rate for all purposes shall be in excess of a rate which is
15 three mills less than the average of such rates for all the
16 towns of the state. The state superintendent of public
17 schools shall cause a special investigation to be made of

18 the educational facilities of such towns and, whenever it
19 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 su-
31 perintendent of public schools may expend for the special
32 investigation 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 funds
2 on account of union elementary schools shall be paid to
3 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
6 committees of the said towns. Amounts apportioned on
7 account of union high schools shall be paid to the towns
8 maintaining said school in proportion to the aggregate at-
9 tendance 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 sec-
5 ondary schools: the payment of teachers' wages and board,
6 fuel, janitors' services, conveyance, tuition and board of
7 pupils, textbooks, reference books and school supplies for
8 desk or laboratory use. The unexpended balance of all
9 moneys raised by towns or received from the state for the
10 above purposes shall be credited to the school resources
11 for the year following that in which said unexpended bal-
12 ance accrued.

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 sixteen
4 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 preced-
8 ing year less ten per cent. But no apportionment as pro-
9 vided by this act shall be paid to any town by the treasurer
10 of state until returns required by law have been filed with
11 the state superintendent of public schools, nor so long as
12 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
2 fund or of any funds or appropriations deducted there-
3 from shall, at the close of the year for which said fund or
4 appropriation is available, be added to the permanent school
5 fund of 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,
10 one hundred and sixty, one hundred and sixty-one, one hun-
11 dred and sixty-two, one hundred and sixty-three, one hun-
12 dred and sixty-four and one hundred and sixty-five provid-
13 ing for the assessment and distribution of the school mill
14 fund and the common school fund; section one hundred
15 and sixty-six, one hundred and sixty-seven and one hundred
16 and sixty-eight providing for the creation and distribution
17 of the equalization fund; chapter two hundred and twenty-
18 eight of the public laws of nineteen hundred and nine pro-
19 viding for an equalization fund for secondary schools is also
20 repealed.