

# MAINE STATE LEGISLATURE

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# NINETY - SECOND LEGISLATURE

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**Legislative Document**

**No. 490**

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S. P. 191

In Senate, February 7, 1945.

Referred to Committee on Appropriations and Financial Affairs. Sent down for concurrence and ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Owen of Kennebec.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-FIVE

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### **AN ACT to Simplify Finances of the Department of Education.**

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

**Sec. 1. R. S., c. 37, § 4, repealed.** Section 4 of chapter 37 of the revised statutes is hereby repealed.

**Sec. 2. R. S., c. 37, § 26, amended.** Section 26 of chapter 37 of the revised statutes is hereby amended to read as follows:

**'Sec. 26. School funds to be withheld from delinquent towns.** When the governor and council have reason to believe that a town has neglected to raise and expend the school money required by law, or to employ teachers certified as required by law, or to have instruction given in the subjects prescribed by law, or to provide suitable text-books in the subjects prescribed by law, or faithfully to expend the school money received from the state, or in any way to comply with the law prescribing the duties of towns in relation to public schools, they shall direct the treasurer of state to withhold from the apportionment of state school funds made to that town such amount as they may deem expedient, and the amount so withheld shall not be paid until such town shall satisfy said governor and council that it has expended the full amount of school money as required by law and that it has complied in all ways with the law prescribing the duties of towns in relation to public schools; and whenever such town

shall fail, within the year for which the apportionment is made, so to satisfy the governor and council, the said amount withheld shall be forfeited and shall be added to the ~~permanent school fund for the year next succeeding~~ general fund of the state.'

**Sec. 3. R. S., c. 37, § 40, repealed.** Section 40 of chapter 37 of the revised statutes is hereby repealed.

**Sec. 4. R. S., c. 37, § 71, amended.** The 3rd sentence of section 71 of chapter 37 of the revised statutes is hereby amended to read as follows:

'Upon approval of said certificate, the superintendent so employed shall, on presentation of proper vouchers, receive monthly out of the sum appropriated for superintendence of towns composing school unions a sum equal to the aggregate sum paid by the towns composing the union, provided that the amount so paid for the benefit of a single union of towns shall not exceed \$1,200 in one year nor shall any school union receive less than \$1,000 per year, ~~and provided further, that the annual appropriation for payments hereunder shall be deducted from state school funds.'~~

**Sec. 5. R. S., c. 37, § 72, amended.** The last sentence of section 72 of chapter 37 of the revised statutes is hereby amended to read as follows:

'Annually, in the month of December the chairman and secretary of said committee shall certify to the commissioner, upon forms prescribed by him, all facts relative to the employment of a superintendent including the amount of the salary received; then upon the approval of said certificate by the commissioner ~~and presentation to the governor and council~~, a warrant shall be drawn upon the treasurer of state for the payment to the treasurer of that town or city, of a sum equal to the amount expended by said town or city for said superintendence, provided that the amount so paid for the benefit of a single town or city shall not be at a rate exceeding ~~\$1,200~~ \$1,400 for one year.'

**Sec. 6. R. S., c. 37, § 74, amended.** Section 74 of chapter 37 of the revised statutes is hereby amended to read as follows:

'**Sec. 74. Reimbursements.** Whenever the schools of any town or plantation shall be placed under the supervision of agents of the commissioner, as provided by the preceding section, the treasurer of said town or plantation shall pay to the treasurer of state a sum which shall be at the rate of \$25 annually for each of the schools of said town or plantation, and the amount so received by the treasurer of state shall be ~~added by him to the appropriation for the superintendence of towns composing school~~

~~unions and may be used for defraying the traveling expenses of agents so employed credited to the general fund.'~~

**Sec. 7. R. S., c. 37, § 106, sub-§ I, amended.** Subsection I of section 106 of chapter 37 of the revised statutes is hereby amended to read as follows:

**'I.** Whenever it shall be ~~made to appear to the governor and council, determined~~ from returns made as herein provided, that any incorporated academy in the state is prepared to give instruction equivalent to that required by law to be given in free high schools, that the pupils attending the said academy are qualified to receive such instruction, and that the teachers in the said academy have the qualifications fitting them to give instruction in secondary school studies, such academy shall be entitled to receive annually from the state a sum not exceeding \$500 in case it maintains a general secondary school course of study as prescribed by the commissioner, or a sum not exceeding \$750 in case it maintains in addition to a general course, a college preparatory course; provided that the courses of study herein named shall be subject to the approval of the said commissioner, and provided that the amount paid by the state to any academy under this subsection shall be expended by the said academy for instruction during the year for which payment is made, and shall not exceed the total income of the said academy from all other sources; and provided further, that in addition to the amount received from the state, a sum equal thereto shall be expended for instruction and maintenance of the academy during said year; and provided further, that every academy receiving money from the state under this subsection shall provide instruction as contemplated by this subsection for not less than 30 weeks in each year; and provided further, that no academy shall be credited with maintaining a course of study under this subsection unless the said academy shall have an average of not less than 12 students in said course.'

**Sec. 8. R. S., c. 37, § 106, sub-§ II, amended.** The 1st 2 sentences of subsection II of section 106 of chapter 37 of the revised statutes are hereby amended to read as follows:

'For the purpose of placing the academies and institutions of the state which provide instruction beyond the secondary schools but less than 4 years of college, on an educational basis with definite financial aid, the ~~commissioner, with the approval of the governor and council, state controller~~ is authorized to issue **on approval of the commissioner** to such academies as come within the provision set up by the statutes, and in

addition to the provisions above stated, and in the same manner, funds as follows: academies with an enrolment of from 20 to 40 pupils, \$27 per capita; 41 to 60 pupils, \$25 per capita; 61 to 80 pupils, \$21 per capita; 81 to 100 pupils, \$19 per capita; 101 to 150 pupils, \$17 per capita; 151 to 200 pupils, \$13 per capita; and over 200 pupils, \$7 per capita; provided that when a slight increase in attendance would cause an institution to receive a reduced amount, the commissioner shall make an adjustment. In addition to the sums required for distribution on the above provision, the ~~commissioner~~ **state controller** shall issue such amounts and to such institutions as may be directed by the legislature, but in no case shall the amounts distribute to the academies of the state, automatically or by resolve, exceed the amount provided herein, and there shall be appropriated annually \$105,000 ~~to be deducted from the state school fund.~~'

**Sec. 9. R. S., c. 37, § 107, amended.** The 2nd paragraph of section 107 of chapter 37 of the revised statutes is hereby amended to read as follows:

'~~The governor and council~~ **state controller** may draw warrants on the treasurer of state for the payment annually to the legal representatives of such academies as shall be entitled to receive money from the state under the provisions of section 106, at the times and in the manner provided by law for the payment of money in aid of free high schools, of the amounts to which they shall be severally entitled thereunder; provided that no payment shall be made to any academy until the commissioner shall have certified to the ~~governor and council~~ **state controller** all the facts which by law are made necessary to entitle an academy to receive money from the state under the provisions of said section 106.'

**Sec. 10. R. S., c. 37, § 139, repealed.** Section 139 of chapter 37 of the revised statutes is hereby repealed.

**Sec. 11. R. S., c. 37, § 146, amended.** The 1st 2 sentences of section 146 of chapter 37 of the revised statutes are hereby amended to read as follows:

'Such amounts as are ~~recommended by the department and approved by the budget committee~~ **necessary** to carry out the provisions of the 4 preceding sections shall be ~~deducted and set aside therefor by the treasurer of state from the annual school funds of the state paid out of such funds as the legislature may appropriate.~~ **All of this appropriation not expended during any fiscal year shall, on the 1st day of July next following, be added to the permanent school fund.'**

**Sec. 12. R. S., c. 37, § 148, amended.** The last sentence of section 148 of chapter 37 of the revised statutes is hereby repealed and the following enacted in place thereof:

**'The proceeds of this tax shall be credited to the general fund.'**

**Sec. 13. R. S., c. 37, § 152, amended.** The 1st sentence of section 152 of chapter 37 of the revised statutes is hereby amended to read as follows: 'Whenever any unorganized unit becomes organized as a town or plantation, such town or plantation shall, within 2 years of the date of said organization, through the commissioner, pay to the treasurer of state for each school building within its limits erected or remodeled in accordance with the provisions of sections 142 to 155, inclusive, a sum to be determined by the commissioner and not less than  $\frac{2}{3}$  of the cost to the state of such building, lot, and improvements, which sum shall be credited to the ~~appropriation for schooling in unorganized territory~~ **general fund of the state.'**

**Sec. 14. R. S., c. 37, § 161, amended.** The last sentence of section 161 of chapter 37 of the revised statutes is hereby amended to read as follows: 'He shall collect and receipt for all registration fees, and report and pay ~~said~~ **such** fees to the treasurer of state forthwith; **such fees shall be credited to the general fund.'**

**Sec. 15. R. S., c. 37, § 162, repealed.** Section 162 of chapter 37 of the revised statutes is hereby repealed.

**Sec. 16. R. S., c. 37, § 164, amended.** The last sentence of section 164 of chapter 37 of the revised statutes is hereby amended to read as follows: 'For the 2 special courses thus offered, the said board is authorized to expend annually such sums as may be ~~approved by the commissioner, which shall be additional to other sums appropriated for the support of said normal schools and which the treasurer of state shall deduct from the state school fund available in appropriations for the support of said normal schools.'~~

**Sec. 17. R. S., c. 37, § 165, amended.** Section 165 of chapter 37 of the revised statutes is hereby amended to read as follows:

**'Sec. 165. State aid for maintaining industrial arts and home economics in towns or academies.** Whenever the superintendent of schools of any town or the trustees of any incorporated academy shall certify ~~under oath~~ to the commissioner according to a form prescribed by him that instruction in industrial arts or home economics has been provided pupils of elementary schools, high schools, or academies for the year preceding,

then, upon approval of such certificate by the commissioner, state aid shall be paid to an amount not to exceed  $\frac{1}{2}$  the total salary paid each teacher; provided that the amount so paid by the state for the employment of any one instructor in a town or academy shall not exceed \$600 in 1 year; and provided further, that in case two or more teachers are employed in any town or an academy, the amount paid by the state for the employment of each instructor shall not exceed \$500 in one year; and provided further, that the appropriation made by the town for this purpose shall be exclusive of any other sum received from the state for the support of public schools and of the minimum requirement raised by the town as provided by section 23; and provided further, that the course of study, equipment, and qualifications of instructors shall have been approved by the commissioner.'

**Sec. 18. R. S., c. 37, § 167, amended.** The last sentence of section 167 of chapter 37 of the revised statutes is hereby amended to read as follows: 'Whenever it shall be ~~made to appear to the governor and council determined by the commissioner~~ that any town has provided instruction in the trades and industries in a general industrial school maintained therein for a period of 36 weeks during the school year, and employing at least 1 teacher whose work is devoted exclusively to such instruction, and having an average attendance of at least 20 pupils, the ~~governor and council commissioner~~ shall **notify the controller and** direct the treasurer of state to pay to the treasurer of such town a sum equal to  $\frac{2}{3}$  the total amount spent for instruction in said school, provided that not more than \$2,000 shall be paid by the state to any one town in any year.'

**Sec. 19. R. S., c. 37, § 183, amended.** The 1st sentence of section 183 of chapter 37 of the revised statutes is hereby amended to read as follows: 'Whenever the superintendent of schools of any town shall certify ~~under oath~~ to the commissioner, according to a form prescribed by him, that a director or supervisor of physical education has been employed for the school year preceding, then, upon approval of such certificate by the commissioner, reimbursement from state or federal funds shall be paid to the amount of  $\frac{1}{2}$  the salary paid, not to exceed \$600 for each director or supervisor in any 1 year, and not to exceed \$1,200 to any one town; provided that the appropriation made by the town for this purpose shall be exclusive of any other sum received from the state for the support of public schools and of the minimum requirement raised by the town as prescribed by section 23.'

**Sec. 20. R. S., c. 37, § 195, amended.** Section 195 of chapter 37 of the

revised statutes is hereby amended by adding at the end thereof a new sentence to read as follows :

**'The income from the permanent school fund shall be credited to the general fund of the state.'**

**Sec. 21. R. S., c. 37, §§ 196, 198, 199 and 200, repealed.** Sections 196, 198, 199 and 200 of chapter 37 of the revised statutes are hereby repealed.

**Sec. 22. R. S., c. 37, § 202, amended.** Section 202 of chapter 37 of the revised statutes is hereby amended to read as follows :

**'Sec. 202. Apportionment on basis of school census.** On the basis of the school census of the towns on April 1st, annually, as returned under the provisions of section 63, the commissioner shall apportion to each town the amount of ~~§3~~ \$2 for each person returned in the school census for said town. ~~Provided, however, that when in any year the amount remaining in the state school fund after the apportionment on account of teaching positions provided in section 201 is insufficient to pay to the several towns the amount of §3 for each child of census age, such amount remaining shall be proportionately allocated to the several towns in the state.'~~

**Sec. 23. R. S., c. 37, § 203, amended.** Section 203 of chapter 37 of the revised statutes is hereby amended to read as follows :

**'Sec. 203. Apportionment on basis of aggregate attendance.** On the basis of information furnished to the commissioner by the return of educational statistics for the year ending July 1st, annually, as provided for by section 64, the commissioner shall apportion to the several towns ~~the amount available for this purpose~~ **such amount not required for other purposes** on the basis of the aggregate attendance of pupils in elementary and secondary schools maintained by those towns.'

**Sec. 24. R. S., c. 37, § 204, sub-§ I, amended.** Subsection I of section 204 of chapter 37 of the revised statutes is hereby amended to read as follows :

**I.** Whenever any town through its superintendent or superintending school committee shall submit to the commission a definite plan for consolidation of schools, conveyance of pupils, housing of teachers, standardization of schools, or other projects especially worthy of encouragement, said commissioner shall investigate such plan and upon approval of the same may ~~recommend to the governor and council~~ **authorize** the payment



to such town of an amount, not exceeding \$500 in any one year, as an encouragement to such plan or project, provided, however, that the total amount available for aid under this subsection shall not exceed \$10,000 of the equalization fund.'

**Sec. 25. R. S., c. 37, § 204, sub-§ II, amended.** Subsection II of section 204 of chapter 37 of the revised statutes is hereby amended to read as follows:

**II.** That part of the school equalization fund not apportioned as provided for by the preceding subsection shall be apportioned to towns wherein the rate of taxation in excess of the average of rates for the several towns of the state fails to produce a school revenue sufficient to provide adequate funds together with the apportionment from ~~the~~ state school ~~fund funds~~ and the income from any permanent school fund to maintain a minimum educational program, i.e.,  $\frac{1}{2}$  the cost of conveyance of elementary and secondary school pupils at public expense, \$940 per elementary unit, \$1,405 per secondary unit, at least \$720 of which amounts shall be expended for teachers' wages, and the amount paid for secondary tuition; provided that the rate of taxation hereinbefore named shall be reckoned on the basis of the amount or amounts actually raised by taxation by the town for the support of elementary and secondary schools for the purposes named in section 206, exclusive of any amounts received from the state. The commissioner shall cause a special investigation to be made of the educational facilities of such towns and, whenever it appears to the commissioner that any town should receive special aid or encouragement for the purpose of raising the standard of qualifications of teachers, or of increasing the length of the school year, or otherwise adding to the efficiency of the schools, he shall ~~issue to the governor and council a recommendation relative thereto, and the governor and council may request the state controller to~~ draw a warrant in favor of the treasurer of said town from the equalization fund for an amount to cover the difference between the proceeds of a tax of 13 mills on the valuation of the town as fixed by the board of equalization together with the apportionment from ~~the~~ state school ~~fund funds~~, and the cost of a minimum educational program as hereinbefore defined; provided, however, that no town may receive in any year an amount in excess of the proceeds of a levy of 13 mills on the valuation of the town unless after the town has levied a tax of over 20 mills for the support of schools, sufficient funds are not available to maintain the minimum program, in which case the balance may be made up from the equalization fund. The amount apportioned shall be expended under the direction of the superintending school committee of

said town in accordance with the recommendation as made by the commissioner. Whenever the amount of the equalization fund ~~as now provided by law~~ **appropriated by the legislature** is less than the sum of the amounts recommended to provide a minimum program in the towns of the state the necessary balance shall be provided from the general ~~funds~~ **fund** of the state.'

**Sec. 26. R. S., c. 37, § 205, amended.** Section 205 of chapter 37 of the revised statutes is hereby amended to read as follows:

**'Sec. 205. Union schools; how apportionment shall be paid.** Amounts ~~apportioned from the state school funds~~ **due from the state** on account of union elementary schools shall be paid to the town in which said school is located and the amounts to be contributed by each town for the maintenance of such school shall be determined by the superintending school committees of the said towns. Amounts apportioned on account of union high schools shall be paid to the towns maintaining said schools in proportion to the aggregate attendance of pupils resident of each of said towns.'

**Sec. 27. R. S., c. 37, § 206, amended.** Section 206 of chapter 37 of the revised statutes is hereby amended to read as follows:

**'Sec. 206. How state money may be expended by towns.** Amounts received by the towns from the state ~~school fund~~ may be expended by said towns, in conjunction with such funds as the towns shall raise and appropriate, for the following purposes in both elementary and secondary schools: the payment of teachers' wages and board, fuel, janitors' services, conveyance, tuition, and board of pupils, text-books, reference books, and school supplies for desk or laboratory use. The unexpended balance of all moneys raised by towns or received from the state for the above purposes shall be credited to the school resources for the year following that in which said unexpended balance accrued.'

**Sec. 28. R. S., c. 37, § 207, amended.** Section 207 of chapter 37 of the revised statutes is hereby amended to read as follows:

**'Sec. 207. Procedure in case returns are not filed by town.** Whenever the information required for the purposes of section 99, sections ~~196~~ **195** to ~~200~~ **206**, inclusive, is not available, because of the failure of the town, through its officers, to make the returns required by law, or because of the loss or destruction of the school records of a town, the commissioner may use as a basis for apportionment numbers on which the apportionment for said town was made for the preceding year less 10%. But no apportionment as provided by said sections shall be paid to any town by the

treasurer of state until returns required by law have been filed with the said commissioner, nor so long as any state tax assessed upon such town remains unpaid.'

**Sec. 29. R. S., c. 37, §§ 208, 209, 210, 211 and 219, repealed.** Sections 208, 209, 210, 211 and 219 of chapter 37 of the revised statutes are hereby repealed.

**Sec. 30. R. S., c. 37, § 211-A, additional.** Chapter 37 of the revised statutes is hereby amended by adding thereto a new section to be numbered 211-A to read as follows :

**'Sec. 211-A. Apportionments to be made in December. All apportionments to cities and towns under the provisions of this chapter shall be made annually in December.'**

**Sec. 31. R. S., c. 37, § 227, sub-§ III, amended.** Subsection III of section 227 of chapter 37 of the revised statutes is hereby amended to read as follows :

**'III. During the months of August or September of each year, the retirement board shall notify the commissioner of the exact amount paid in between July 1st and June 30th, preceding, by the members of the teachers' retirement association; and ~~before the commissioner shall distribute the state school fund in December, he shall deduct the actuarial equivalent of the amount necessary to equal the contributions of members as certified by the retirement board. Such amount, together with the amounts paid in by members, shall be invested as provided in section 235~~ the commissioner shall cause the actuarial equivalent of this amount to be paid to the retirement association in December.'**

**Sec. 32. R. S., c. 37, § 239, repealed and replaced.** Section 239 of chapter 37 of the revised statutes is hereby repealed and replaced to read as follows :

**'Sec. 239. Accounts of association to be audited annually. The accounts of the Maine teachers' retirement association shall be audited annually by the state auditor.'**