

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)

N I N E T Y - F O U R T H L E G I S L A T U R E

Legislative Document

No. 242

S. P. 189

In Senate, February 1, 1949.

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

CHESTER T. WINSLOW, Secretary.

Presented by Senator McKusick of Piscataquis.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Relating to the Education of Indians on the Indian Reservations.

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

Sec. 1. R. S., c. 37, § 142, amended. Section 142 of chapter 37 of the revised statutes is hereby amended to read as follows:

'**Sec. 142. Children between 5 and 21 in unorganized territory and on the Indian reservations entitled to school privileges; term "unorganized territory" defined.** All children between the ages of 5 and 21 years who reside with a parent or legal guardian in unorganized territory or on the Indian reservations within this state shall be entitled to school privileges, which shall be provided under the direction of the commissioner under such rules and regulations as may be made from time to time by him and approved by the governor and council. Within the meaning of sections 140 to 155, **inclusive**, unorganized territory shall include all territory not a part of any city, town or plantation, and an unorganized unit shall be any unorganized township, gore, strip, tract, surplus, point, patent, peninsula, island, deorganized town or plantation or any other distinct and separate portion of unorganized state territory.'

Sec. 2. R. S., c. 37, § 143, amended. Section 143 of chapter 37 of the revised statutes is hereby amended to read as follows:

Sec. 143. Elementary schools to be established or children sent to schools already established; tuition; transportation; board. Elementary school privileges may be provided by the commissioner by establishing and maintaining in the unorganized territory **or on the Indian reservations** such elementary schools, the minimum school year of which shall be 32 weeks, as may seem advisable and by sending such children to elementary schools anywhere within the state as tuition pupils as he may deem expedient. All children so sent by the commissioner as tuition pupils to any public elementary school in the state shall be admitted by the school authorities having charge thereof upon receiving notice of such intention from the commissioner or any of his duly authorized agents, and they shall be entitled to all privileges and benefits and be subject to the same rules and regulations as children residing in the municipality to which they are sent; tuition shall be paid by the state for said pupils in accordance with the proportional cost per pupil of the school attended unless a rate of tuition is otherwise agreed upon; transportation or board, in full or in part, may be paid for such pupils at the discretion of the commissioner.

Sec. 3. R. S., c. 37, § 144, amended. The 1st paragraph of section 144 of chapter 37 of the revised statutes is hereby amended to read as follows:

'Any youth who resides with a parent or legal guardian in the unorganized territory **or on the Indian reservations** of this state and who may be judged by the commissioner qualified to enter a secondary school may attend any such school in the state to which he may gain entrance by permission of those having charge thereof, provided said school shall be of standard grade approved by the commissioner. In such case the tuition of said youth, not to exceed the same amount towns not supporting and maintaining a standard secondary school are required by law to pay annually for secondary school tuition, shall, provided a satisfactory standard of scholarship and deportment is maintained, be paid by the state under such rules and regulations as may be made by the commissioner.'

Sec. 4. R. S., c. 37, § 147, amended. Section 147 of chapter 37 of the revised statutes is hereby amended to read as follows:

Sec. 147. Census to be procured before school privileges provided. Before school privileges are provided in accordance with sections 142 to 145, inclusive, for a child or children in any unorganized unit **or on the Indian reservations**, it shall be the duty of the commissioner through his agents to procure returns showing the number of persons, including the names and ages of those between 5 and 21 years, resident therein, together with such other information as he may deem necessary, and similar returns shall be

required by him annually thereafter on the 1st day of April, or corrected to the 1st day of April, as long as school privileges are so provided.'

Sec. 5. R. S., c. 37, § 149, amended. Section 149 of chapter 37 of the revised statutes is hereby amended to read as follows:

'Sec. 149. School agents and attendance officers may be appointed; duties. The commissioner shall have authority to appoint agents for the whole and any portion of the unorganized territory **or on the Indian reservations**, and said agents shall perform such duties in connection with the schooling of children as the commissioner may authorize or delegate in each particular appointment. Said agents shall act as attendance officers for the territory covered by their appointment. Special attendance officers as may appear necessary may be appointed by said commissioner for any unorganized unit **or for the Indian reservations**. Attendance officers for the unorganized territory **or for the Indian reservations** shall have the same authority and be under the same obligations as provided in section 85, with such changes as provided in section 155.'

Sec. 6. R. S., c. 37, § 153, amended. Section 153 of chapter 37 of the revised statutes is hereby amended to read as follows:

'Sec. 153. School property in unorganized territory and on the Indian reservations to be taken over by state; when town or plantation is deorganized school property to be taken by state. Any school building in unorganized territory **or on the Indian reservations** may be used and held for school purposes by the commissioner, and all repairs, changes or additions thereto shall be made under his direction or that of a duly authorized agent. All school buildings not privately owned in unorganized territory **or on the Indian reservations** are declared to be the property of the state. Whenever a town or plantation becomes deorganized by act of the legislature, all school property therein shall become the property of the state and under the charge of the commissioner, the same as other school property in unorganized territory.'

Sec. 7. R. S., c. 37, § 155, amended. Section 155 of chapter 37 of the revised statutes is hereby amended to read as follows:

'Sec. 155. Law as to compulsory school attendance, etc., to be applicable in unorganized territory and on the Indian reservations; state to distribute laws. The compulsory school attendance laws, child labor laws and sections 66 and 67 and 191 to 194, inclusive, shall apply to children of the unorganized territory **or of the Indian reservations** of the state the same as to

the children of cities, towns and plantations with such changes thereof relative to officials, courts, disposal of fines, etc., as may be made by the commissioner and approved by a justice of the supreme judicial court, to make these laws applicable to the unorganized territory **or to the Indian reservations** while retaining the general principles of the laws; and it shall be the duty of the said commissioner to have these laws, with the changes as made, printed in sufficient quantity for use in the unorganized territory **or on the Indian reservations**, and to supply them to any person making application therefor.'

Sec. 8. R. S., c. 22, §§ 337 and 364, repealed. Sections 337 and 364 of chapter 22 of the revised statutes are hereby repealed.