

# MAINE STATE LEGISLATURE

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

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Legislative Document

No. 488

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S. P. 294

In Senate, February 9, 1949

Referred to the Committee on Education, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Hopkins of Kennebec.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-NINE

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AN ACT Creating the State Board 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 R. S., c. 37, § 1, repealed and replaced. Section 1 of chapter 37 of the revised statutes, as amended by section 4 of chapter 293 of the public laws of 1945, is hereby repealed and the following enacted in place thereof:

'Sec. 1. Department of education. The department of education, as heretofore established, shall exercise such powers and perform such duties as are set forth in this chapter. The department of education shall consist of a state board of education, hereinafter in sections 1 to 1-H, inclusive, called the "board", a commissioner of education chosen by the state board, and such official and clerical staff as are hereafter provided for.'

Sec. 2. R. S., c. 37, §§ 1-A - 1-H, additional. Chapter 37 of the revised statutes is hereby amended by adding thereto 8 new sections to be numbered 1-A to 1-H, to read as follows:

'Sec. 1-A. State board of education; expenses. The board shall consist of 10 members to be appointed by the governor, subject to approval of the council, and shall take the oath of office prescribed for state officers. The first board shall be appointed, 2 members for 1 year, 2 members for 2

years, 2 members for 3 years, 2 members for 4 years, 2 members for 5 years, and regular appointments thereafter shall be for a term of 5 years. Vacancies occurring in the board during term of office shall be filled for the remainder of the term by appointment of the governor, with approval of the council. Members of the board shall be subject to removal from office by the governor and council for cause.

Members of the board shall serve without pay, other than their actual expenses while carrying out the functions of the board.

Sec. 1-B. Meetings. The board shall meet immediately after appointment at the call of the commissioner of education and organize by electing one of their members chairman, 1 vice-chairman and such other officers as the board deems necessary to perfect its organization. Meetings of the board shall be held quarterly in the offices of the department of education on call of the chairman of the board or the commissioner on 5 days' written notice to the members; and if both the chairman and commissioner shall be absent, or refuse to call a meeting, any 3 members of the board may call a meeting by similar notices in writing.

Sec. 1-C. Commissioner of education. The board shall appoint a commissioner of education whenever a vacancy occurs, and fix his salary, not to exceed \$8,000 per year. The commissioner shall be executive officer and ex officio secretary of the board.

Sec. 1-D. Seal of board. The board shall adopt a seal and such seal shall be used by the commissioner of education to authenticate documents or copies of documents as such board or commissioner may deem advisable.

Sec. 1-E. Records and report. The board shall keep in the office of the commissioner a complete record of the minutes of its meetings and other procedures, and biennially, on the 1st Monday of January, shall make a report to the governor which shall embody the report of the commissioner to the board. The board shall cause this report to be printed and shall distribute the same to the members of the legislature and to the educational officers in the various municipalities of the state. The cost of printing the report shall be paid from the appropriation of the office of the state department of education.

Sec. 1-F. Recommendations to legislature. The board shall recommend to the legislature such new legislation or amendments to existing legislation as they shall deem necessary for the efficient conduct of the public schools of the state.

Sec. 1-G. Personnel and organization. The board, in addition to other duties prescribed by law, shall select, subject to the provisions of the personnel law, such personnel as may be needed for the efficient operation of the department of education. Appointment of full-time employees in the department shall be made by the board from nominations by the commissioner. The board may, on recommendation of the commissioner, organize and, from time to time, reorganize the department of education into such divisions, branches or sections as may be found necessary or desirable in order that it may perform all proper functions and render maximum service to the operation and improvement of the state system of education.

Sec. 1-H. Duties of commissioner. The commissioner shall perform all duties now prescribed by statute, or which may hereafter be prescribed, in accordance with the policies adopted by the board.'

Sec. 3. R. S., c. 37, § 68, amended. Section 68 of chapter 37 of the revised statutes, as amended by chapter 240 of the public laws of 1947, is hereby further amended to read as follows:

Sec. 68. Towns may be combined into unions for supervision; exceptions; appeal. It shall be the duty of the commissioner and ~~the committee of 3 hereinafter named state board of education~~, to regroup all the towns in the state, except as herein provided, into unions for the purpose of employing superintendents of schools. Such supervisory unions as have been formed on June 30, 1946 may be dissolved by the commissioner for the purpose of a more advantageous combination, provided that there has been obtained the approval of a majority vote of the members of the superintending school committees in the ~~town~~ towns comprising such supervisory unions. Such approval shall not be required if the superintendent receives a salary of less than \$3,500. Regroupings shall be made only when vacancies in the office of superintendent occur by death, resignation or failure of reelection. Whenever such regroupings are made, the commissioner and ~~the regrouping committee state board of education~~ shall have authority to reallocate any town or towns in the unions affected to unions already organized. In case of unions already regrouped or not subject to further regrouping, the term of the election of a superintendent may be made for a period not exceeding 5 years but in a union subject to regrouping such term of election shall not exceed 3 years. ~~A committee of 3, who shall act with the commissioner in the matter regrouping, shall be appointed by the governor and council. The necessary travel expense of said committee shall be paid by the state from the regular appropriation provided for general office expenses in the department of education.~~ Provided, how-

ever, that any superintending school committee of a town dissatisfied with the combination proposed by the commissioner and the ~~committee~~ **state board of education** to include that town may appeal to the governor and council who shall make the final decision relative thereto. Whenever, upon the representation of the superintending school committee of any town, it shall appear to the commissioner to be to the advantage of said town and of the state to change the combination of towns composing the union of which said town is a part, the commissioner shall have authority to direct the dissolution and organization of unions so that a more advantageous combination may be effected. Provided, however, that any superintending school committee of a town dissatisfied with the change in the combination proposed by the commissioner to include that town may appeal to the governor and council, who shall make the final decision relative thereto.'

**Sec. 4. R. S., c. 37, § 171, amended.** Section 171 of chapter 37 of the revised statutes is hereby amended to read as follows:

'**Sec. 171. State board of education.** The ~~vocational education~~ **state board of education** heretofore created shall have all necessary power to cooperate with the federal board of vocational education in the administration of the provisions of the act of congress referred to in section 169. ~~Said board shall consist of 5 members; the commissioner of education who shall serve as chairman, the commissioner of health and welfare, the commissioner of labor, the commissioner of agriculture, and the head of the department of home economics of the University of Maine.~~ The members of said board shall serve without compensation.'

**Sec. 5. R. S., c. 37, § 175, amended.** Section 175 of chapter 37 of the revised statutes is hereby amended to read as follows:

'**Sec. 175. State board of education to administer provisions of these sections.** The ~~vocational education~~ **state board of education** is authorized to cooperate with the federal board for vocational education in the administration of the provisions of sections 173 to 177; to prescribe and provide such courses of instruction and training as may be necessary for the vocational rehabilitation of persons injured in industry or otherwise, and to provide for the instruction and supervision of such training.'

**Sec. 6. R. S., c. 37, § 176, amended.** Section 176 of chapter 37 of the revised statutes is hereby amended to read as follows:

'**Sec. 176. State board of education to cooperate with industrial accident commission.** The ~~vocational education~~ **state board of education** is authorized to cooperate with the industrial accident commission to formu-

late a plan of cooperation in accordance with the provisions of sections 173 to 177 and the act of congress referred to in section 173.'

**Sec. 7. R. S., c. 37, § 177, amended.** The 1st sentence of section 177 of chapter 37 of the revised statutes is hereby amended to read as follows:

'The ~~vocational education~~ **state board of education** is authorized and empowered to receive such gifts and donations, either from public or private sources as may be offered unconditionally, or under such conditions related to the vocational rehabilitation of persons injured in industry or otherwise as in their judgment are proper and consistent with the provisions of sections 173 to 177.'

**Sec. 8. R. S., c. 37, § 179, amended.** Section 179 of chapter 37 of the revised statutes is hereby amended to read as follows:

'**Sec. 179. Reimbursement from state and federal funds.** Whenever the superintendent of schools of any town or city, on or before the 1st day of July, shall report to the commissioner that part-time or part-time continuation schools and classes have been maintained in accordance with the specified standards, and when such schools and classes shall be approved by the ~~vocational education~~ **state board of education**, the commissioner shall recommend to the governor and council annually in December the payment of reimbursement from federal funds designated for part-time schools and from state funds provided for industrial education to the extent of  $\frac{2}{3}$  the cost of instruction.'

**Sec. 9. R. S., c. 37, § 189, amended.** The first 2 sentences of section 189 of chapter 37 of the revised statutes, as amended by chapter 230 and by section 42 of chapter 378, both of the public laws of 1945, are hereby further amended to read as follows:

'The state normal school shall be under the direction of ~~a~~ **the state board of education to be known as the "state normal school and teachers' college board," to be composed of 5 members, 4 of whom shall be appointed by the governor with the advice and consent of the council, for terms of 4 years, and not more than 2 of the 4 appointed members shall be of the same political party. The commissioner shall be, by virtue of his office a member of the said board.'**