

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-SECOND LEGISLATURE

OF THE
STATE OF MAINE

1905.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1905.

Chapter 48.

An Act to amend Chapter fifteen of the Revised Statutes of Maine, relating to Education.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section 13,
chapter 15, R.
S., amended.

Section 1. Section thirteen of chapter fifteen of the revised statutes is hereby amended by adding after the word "apportioned," in the last line of said section, the words 'but nothing in this section shall be so construed as to annul, or render void, the provisions made in section eighteen of this chapter for the establishment and maintenance of union schools by adjoining towns;' so that said section as amended, shall read as follows:

Towns shall
raise at least
eighty cents
for each
inhabitant.

'Section 13. Every town shall raise and expend, annually, for the support of common schools therein, exclusive of the income of any corporate school fund, or of any grant from the revenue or fund from the state, or of any voluntary donation, devise or bequest, or of any forfeiture accruing to the use of schools, not less than eighty cents for each inhabitant, according to the census by which representatives to the legislature were last apportioned, under penalty of forfeiting not less than twice nor more than four times the amount of its deficiency, and all moneys provided by towns, or apportioned by the state for the support of common schools, shall be expended for the maintenance of common schools established and controlled by the towns by which said moneys are provided, or to which said moneys are apportioned; but nothing in this section shall be so construed as to annul, or render void, the provisions made in section eighteen of this chapter for the establishment and maintenance of union schools by adjoining towns.'

—forfeiture
for non-
compliance.

—shall be
expended for
maintenance
of common
schools.

—union
schools.

Section 15,
chapter 15,
amended.

Section 2. Section fifteen of said chapter fifteen is hereby amended by adding, after the word "items," in the last line of said section, the words, "The unexpended balance of all moneys raised by towns, or received from the state, for the payment of wages and board of teachers, fuel, janitors' services, conveyance or tuition and board of scholars, shall be credited to the school fund of the town and shall be brought forward in the item of resources for the year following that in which said unexpended balance occurred. This clause, relating to unexpended balances, shall not apply to cities,' so that said section as amended, shall read as follows:

Money
appropriated
for public
schools shall
be paid out
only on

'Section 15. No money appropriated by law for public schools shall be paid from the treasury of any town, except upon the written order of its municipal officers; and no such order shall be drawn by said officers except upon presentation of a

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properly avouched bill of items. The unexpended balance of all moneys raised by towns, or received from the state for the payment of wages and board of teachers, fuel, janitors' services, conveyance or tuition and board of scholars, shall be credited to the school fund of the town and shall be brought forward in the item of resources for the year following that in which said unexpended balance occurred. This clause, relating to unexpended balances, shall not apply to cities.'

written order of municipal officers.

—unexpended balances.

—how disposed of.

—shall not apply to cities.

Section 3. Section sixteen of said chapter fifteen is hereby amended by inserting, after the word "state" and before the word "they" in the sixth line of said section, the words 'or in any way, to comply with the laws prescribing the duties of towns in relation to public schools,' so that said section as amended, shall read as follows:

Section 16, chapter 15, amended.

'Section 16. 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 examine teachers as prescribed 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 laws prescribing the duties of towns in relation to public schools, they shall direct the treasurer of state to withhold further payment to such town from the state school fund and mill tax until such town satisfies them that it has expended the full amount of school money as required by law.'

Governor and council may withhold school moneys, in certain cases

Section 4. Section nineteen of said chapter fifteen is hereby amended by inserting after the words "towns shall," in the first line of said section, the words 'expend the entire amount of the school fund and mill tax received from the state, together with the amounts arising from the eighty cents per capita, as provided in section thirteen of said chapter fifteen and the funds arising from the various sources enumerated in the first four lines of section thirteen of said chapter and the funds arising from the provisions of section fourteen of said chapter, for the payment of teachers' wages and board, fuel, janitors' services, conveyance of scholars and tuition and board of scholars, as provided in section two and section fifty of said chapter fifteen and shall,' so that said section nineteen, as amended, shall read as follows:

Section 19, chapter 15, amended.

'Section 19. Towns shall expend the entire amount of the school fund and mill tax received from the state, together with the amounts arising from the eighty cents per capita, as provided in section thirteen of said chapter fifteen and the funds arising from the various sources enumerated in the first four

Purposes for which school funds shall be used.

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lines of section thirteen of said chapter and the funds arising from the provisions of section fourteen of said chapter, for the payment of teachers' wages and board, fuel, janitors' services, conveyance of scholars and tuition and board of scholars, as provided in section two and section fifty of said chapter fifteen and shall provide school books, apparatus and appliances for the use of pupils in the public schools, including all free high schools, at the expense of said town; and shall also pay for the necessary repairs of school buildings and insurance on same, if any, improvement and maintenance of school yards and playgrounds out of a sum or sums of money raised and appropriated for that purpose which shall be assessed like other money and shall be in addition to and independent of the amount which towns are required by law to raise, assess and expend for the support of common schools; provided, however, that any parent or guardian of any pupil in the public schools may, at his own expense, procure for the separate and exclusive use of such pupil, the text-books required to be used in such schools.'

Section 35, chapter 15, amended.

Section 5. Section thirty-five of said chapter fifteen is hereby amended by striking out of said section, after the word "duties" in the second line of said section, all of paragraph one of said section, which paragraph is as follows:

Examination of teachers.

—shall give notice of.

—5 days constitute a school week, 4 weeks a school month.

"I. They shall appoint suitable times and places for the examination of candidates proposing to teach in town, and shall give notice thereof by posting the same in two or more public places within the town at least three weeks before the time of said examination, or by the publication of said notice for a like time in one or more newspapers having the largest circulation in the county. Five days constitute the school week, and four weeks a school month."

Also by striking out all of paragraph four of said section, which paragraph is as follows:

Examination of schools.

"IV. Examine the schools, and inquire into the regulations and discipline thereof, and the proficiency of the scholars, for which purpose one or more of the committee shall visit each school at least twice in summer and twice in winter; and use their influence to secure the regular attendance at school of the youth in their town."

Paragraphs of section 35 renumbered.

Also by re-numbering the several paragraphs of said section, so that said section thirty-five, as amended, shall read as follows:

'Section 35. Superintending school committees shall perform the following duties:

Shall direct course of instruction.

—text books

"I. Direct the general course of instruction, and select a uniform system of text-books, due notice of which shall be given; no text-book thus introduced, shall be changed for five years

unless by vote of the town; any person violating this provision shall forfeit not exceeding five hundred dollars, to be recovered in an action of debt by any school officer or person aggrieved. And when said committee have made such selection of school books, they may contract, under section nineteen, with the publishers for the purchase and delivery thereof; make such rules as they deem effectual for their preservation and return; or, if they are kept for sale, may regulate the sale and appoint an agent to keep and sell them, and fix the retail price, which shall be marked on the title page of each book.

—may select text books and contract for same.

—may regulate sale of text books.

‘II. They shall make provision for the instruction of all pupils in schools, supported by public money or under state control, in physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system.

Instruction in physiology and hygiene.

‘III. After due notice and investigation they shall dismiss any teacher, although having the requisite certificate, who proves unfit to teach, or whose services they deem unprofitable to the school; and give to said teacher a certificate of dismissal and of the reasons therefor, a copy of which they shall retain, and such dismissal shall not deprive the teacher of compensation for previous services.

Dismissal of teachers.

‘IV. Expel any obstinately disobedient and disorderly scholar, after a proper investigation of his behavior, if found necessary for the peace and usefulness of the school; and restore him on satisfactory evidence of his repentance and amendment.

May expel disobedient pupils.

—may restore repentant pupils.

‘V. Exclude, if they deem it expedient, any person not vaccinated, although otherwise entitled to admission.

May exclude persons not vaccinated.

‘VI. Prescribe the sum, on payment of which persons of the required age, resident on territory, the jurisdiction of which has been ceded to the United States, included in or surrounded by the town, may attend school in the town.

May prescribe tuition of pupils residing on territory ceded to U. S.

‘VII. Determine what description of scholars shall attend each school, classify them, and transfer them from school to school where more than one school is kept at the same time.’

May classify pupils.
—may transfer pupils.

Section 6. Section thirty-six of said chapter fifteen is hereby amended by inserting after the words “shall direct,” in the third line of said section, the words:

Section 36, chapter 15, amended.

‘I. They shall appoint suitable times and places for the examination of candidates proposing to teach in town, and shall give notice thereof by posting the same in two or more public places within the town at least three weeks before the time of said examination, or by the publication of said notice for a like time in one or more newspapers having the largest circulation in the county. Five days constitute the school week, and four weeks a school month.’

Shall appoint times and places for examinations of teachers.

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Paragraphs
of section 36,
renumbered.

Superinten-
dent of
schools shall
be secretary
of school
committee.

Shall appoint
times and
places for
examina-
tions.

Qualifications
of teachers.

Certificates
to be given.

Shall employ
teachers.

School
census.

Also by re-numbering the several paragraphs of said section, so that said section thirty-six as amended, shall read as follows:

'Section 36. The superintendent of schools in every town shall be, ex-officio, secretary of the superintending school committee and shall perform such duties not herein enumerated as said committee shall direct.

'I. He shall appoint suitable times and places for the examination of candidates proposing to teach in town, and shall give notice thereof by posting the same in two or more public places within the town at least three weeks before the time of said examination, or by the publication of said notice for a like time in one or more newspapers having the largest circulation in the county. Five days constitute the school week, and four weeks a school month.

'II. On satisfactory evidence that a candidate possesses a good moral character and a temper and disposition suitable for an instructor of youth, he shall examine him in reading, spelling, English grammar, geography, history, arithmetic, civil government, bookkeeping, and physiology with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system; and the elements of the natural sciences, especially as applied to agriculture, and such other branches as the superintending school committee desire to introduce into public schools, and particularly into the school for which he is examined; also as to his capacity for the government thereof.

'III. He shall give to each candidate found competent, a certificate that he is qualified to govern said school and instruct in the branches above named, and such other branches as may be necessary to be taught therein, or he may render valid by indorsement any graded certificates issued to teachers by normal school principals. No certificate shall be granted any person to teach in the public schools of the state, who has not passed a satisfactory examination in physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system.

'IV. He shall employ teachers, subject to the approval of the superintending school committee.

'V. He shall return under oath to the school committee, in April annually, a certified list of the names and ages of all persons in his town from five to twenty-one years, corrected to the first day of said month, leaving out of said enumeration all persons coming from other places to attend any college or academy, or to labor in any factory, or at any manufacturing or other business.'

Section 7. Section thirty-eight of said chapter fifteen is hereby amended by striking out the words "he shall annually make a statement containing" in the first line of said section and inserting in place thereof the words 'the return called for in section thirty-seven shall contain,' also by striking out, after the word "particulars," in the second line of said section, all of paragraph one of said section, which paragraph is as follows:

Section 38, chapter 15, amended.

"I. The amount of money raised and expended for the support of schools, designating what part is raised by taxes, and what part from other funds, and how such funds accrued;" also by re-numbering the several paragraphs of said section, so that said section thirty-eight as amended, shall read as follows:

Paragraph 1, stricken out.

'Section 38. The return called for in section thirty-seven shall contain the following particulars:

Return of census, shall contain the number of children between 5 and 21 years of age.

'I. The number of children between five and twenty-one years of age, belonging to his town, on the first day of April preceding.

'II. The whole number and the average number of scholars attending the summer schools; the whole number and the average, attending the winter schools, also the total number of different scholars attending school two weeks or more of the preceding year, as shall appear from the teachers' registers returnable as provided in section eighty-five.

The whole number and average number attending summer schools. —winter schools.

'III. The average length of the summer schools in weeks; the average length of the winter schools in weeks; and the average length of the schools for the year.

Average length of summer and winter schools.

'IV. The number of male, and of female teachers employed in the public schools during any part of the year.

Number of male and of female teachers employed.

'V. The wages of male teachers a month, and the wages of female teachers a week, the cost of board to be added to the wages, in case the town pays the board.'

Wages of teachers per month.

Section 8. Section forty-five of said chapter fifteen is hereby amended by adding after the words "union of towns," in the last line of said section, the words, "The provisions of this section and of the five preceding sections shall apply equally to towns formed by the union of two or more towns;" so that said section forty-five, as amended, shall read as follows:

Section 45, chapter 15, amended.

'Section 45. No town shall receive state aid under section forty-two unless its appropriation and expenditure for superintendence have been exclusive of the amount required by law for common school purposes. If any part of the money raised by the towns or union of towns, or paid to them by the state for superintendence, is expended for any other purposes than those provided for in said section, then each person so misappropriating said money shall forfeit double the sum so

Superintendence to be paid for, exclusive of amount required for school purposes.

—forfeiture for violation.

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misapplied, to be recovered in an action of debt, in the name and to the use of the town, by any inhabitant thereof; and no town or union of towns shall receive further aid under said section until the amount so misapplied has been raised and expended for superintendence by such town or union of towns. The provisions of this section and of the five preceding sections shall apply equally to towns formed by the union of two or more towns.'

Section 49,
chapter 15,
amended.

Section 9. Section forty-nine of said chapter fifteen is hereby amended by inserting after the words "is in session," in the third line of said section, the words 'and an absence therefrom of one-half day, or more, shall be deemed a violation of this requirement, and by striking out after the word "shall" in the third line from the last in said section, the words "forfeit a sum" and inserting in place thereof the words 'be punished by a fine;' also by striking out after the word "dollars" in the last line but one in said section, the words, "to the treasurer of the city or town;" so that said section, as amended, shall read as follows:

Attendance
of children
of certain
ages,
required.

'Section 49. Every child between the seventh and fifteenth anniversaries of his birth shall attend some public day school during the time such school is in session, and an absence therefrom of one-half day or more shall be deemed a violation of this requirement; provided that necessary absence may be excused by the superintending school committee or superintendent of schools or teachers acting by direction of either; provided also, that such attendance shall not be required if the child obtained equivalent instruction, for a like period of time, in an approved private school or in any other manner approved by the superintending school committee; provided, further, that children shall not be credited with attendance at a private school until a certificate showing their names, residences and attendance at such school signed by the person or persons having such school in charge, shall be filed with the school officials of the town in which said children reside; and provided, further, that the superintending school committee may exclude from the public schools any child whose physical or mental condition makes it inexpedient for him to attend. All persons having children under their control shall cause them to attend school as provided in this section, and for every neglect of such duty shall be punished by a fine not exceeding twenty-five dollars or shall be imprisoned not exceeding thirty days.'

—necessary
absences,
how excused.

—provisions,
in case of
equivalent
instruction.

—further
provisions.

—persons
having
control
of children
shall cause
them to
attend school.

Section 10,
chapter 15,
amended.

Section 10. Section fifty-one of said chapter fifteen is hereby amended by striking out, after the word "person," in the seventh line of said section, the words "liable to the penalty provided in said section" and by inserting in place thereof the words

'neglecting to perform the duties prescribed in said section by promptly entering a complaint before a magistrate,' and by striking out the word "neglecting" in the thirteenth line of said section the words "to prosecute when directed as required by law" and inserting in place thereof the words 'any duty required of them under the provisions of this chapter' and by striking out, after the words "fifty dollars" in the fourteenth line of said section, the words "to the use of the public schools in the city or town neglecting as aforesaid, or to the use of the public schools in the city or town where such truant officer resides," so that said section fifty-one as amended, shall read as follows:

'Section 51. Cities and towns shall annually elect one or more persons, to be designated truant officers, who shall inquire into all cases of neglect of the duties prescribed in section forty-nine and ascertain the reasons therefor and shall promptly report the same to the superintending school committee, and such truant officers or any of them shall, when so directed by the school committee or superintendent in writing, prosecute in the name of the city or town, any person neglecting to perform the duties prescribed in said section, by promptly entering a complaint before a magistrate; and said officers shall, when notified by any teacher that any pupil is irregular in attendance, arrest and take such pupil to school when found truant; and further such officers shall enforce the provisions of sections one hundred and eighteen to one hundred and twenty, inclusive, of this chapter. Every city or town neglecting to elect truant officers, and truant officers neglecting any duty required of them under the provisions of this chapter shall forfeit not less than ten nor more than fifty dollars. The municipal officers shall fix the compensation of the truant officers, elected as prescribed in this section. Superintending school committees may fill vacancies occurring during the year, and shall elect truant officers at their first meeting after the annual meeting of the town, in case the town neglects to do so, or the truant officers elect, or any of them, fail to qualify.'

Truant officers.

—duties of.

—when arrest may be made.

—compensation of truant officers.

—vacancies, how filled.

Section 11. Section fifty-three of said chapter fifteen is hereby amended by striking out after the word "shall," which is the last word in the fourth line of said section, the words "forfeit not exceeding twenty dollars for the use of the public schools of the city or town in which such child resides, to be recovered by the truant officer on complaint" and by inserting in place thereof the words 'be punished by a fine not exceeding twenty dollars,' so that said section, as amended, shall read as follows:

Section 53, chapter 15, amended.

'Section 53. Any person having control of a child, who is an habitual truant, as defined in the foregoing section, and

Persons responsible for truancy,

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how
punished.

being in any way responsible for such truancy, and any person who induces a child to absent himself from school, or harbors or conceals such child when he is absent, shall be punished by a fine not exceeding twenty dollars or shall be imprisoned not exceeding thirty days.'

Section 54,
chapter 16,
amended.

Section 12. Section fifty-four of said chapter fifteen is hereby amended by adding after the word "fifty-three," in the last line of said section, the words 'all warrants issued by said courts or trial justices upon complaint, or for an offense committed under said sections and all legal processes issued by said courts or trial justices for the purpose of carrying into effect the provisions of this section and of said sections numbered forty-nine, fifty-one and fifty-three, shall be directed to and executed by the truant officer, or either of the truant officers, of the town where the offense is committed. All fines collected under said three last named sections shall be paid to the treasurer of the city or town in which the offense is committed, for the support of the public schools therein,' so that said section fifty-four, as amended, shall read as follows:

Habitual
truants may
be committed
to state
school for
boys.

—or to
state
industrial
school for
girls.

'Section 54. On complaint of the truant officer, an habitual truant, if a boy, may be committed to the state school for boys, or if a girl, to the state industrial school for girls, or to any truant school that may hereafter be established. Police or municipal courts and trial justices shall have jurisdiction of such complaint and of the offenses described in sections forty-nine, fifty-one and fifty-three. All warrants issued by said courts or trial justices upon such complaint, or for an offense committed under said sections, and all legal processes issued by said courts or trial justices for the purpose of carrying into effect the provisions of this section and of said sections numbered forty-nine, fifty-one and fifty-three, may be directed to and executed by the truant officer, or either of the truant officers, of the town where the offense is committed. All fines, collected under said two last named sections, shall be paid to the treasurer of the city or town in which the offense is committed, for the support of the public schools therein.'

—truant
officer may
execute
warrants.

Section 62,
chapter 15,
amended.

Section 13. Section sixty-two of said chapter fifteen is hereby amended by inserting after the word "town" in the first line of said section the words 'which does not maintain a free high school of standard grade' and, further, by inserting after the word "town" in the first part of the third line of said section, the words 'or with the school board of any adjoining town' and by erasing the word "established" in the fifth line of said section and inserting in place thereof the word 'approved,' also by inserting after the word "made" in the sixth line of said sec-

tion the words 'with the trustees of any academy,' also by inserting after the word "academy," in the tenth line of said section, the words 'or in such free high school,' so that said section sixty-two as amended, shall read as follows:

'Section 62. Any town which does not maintain a free high school of standard grade may from year to year authorize its superintending school committee to contract with and pay the trustees of any academy in said town, or with the school board of any adjoining town for the tuition of scholars within such town in the studies contemplated by the seven preceding sections, under a standard of scholarship to be approved by such committee; and when such contract has been made with the trustees of any academy the school committee with an equal number from the board of trustees of such academy shall form a joint committee for the selection of all teachers and the arranging of the course of study in such academy, when such academy has less than ten thousand dollars endowment; and the expenditure of any town for tuition in such academy, or in such free high school, shall be subject to the same conditions and shall entitle such town to the same state aid as if it had made such expenditure for a free high school.'

Provisions for pupils in towns having no free high schools.

Section 14. Section eighty-eight, of said chapter fifteen is hereby amended by adding after the word "days" in the last line of said section the words, 'When any one of the above named holidays falls upon a Sunday, the Monday following shall be observed as a school holiday, with all the privileges applying to any of the days above named;' so that said section eighty-eight, as amended, shall read as follows:

Section 88, chapter 15, amended.

'Section 88. The following days shall be observed as school holidays, namely: New Year's day, January one; Washington's birthday, February twenty-two; Memorial day, May thirty; Independence day, July four; Labor day, first Monday in September; Christmas day, December twenty-five; Thanksgiving, Fast and Arbor days, as appointed by the governor and council. Provided, however, that Arbor day shall not be recognized as a school holiday, unless observed by teacher and pupils for the purpose of which it is designated by the governor and council. All teachers of public schools in the state may close their schools on the days above mentioned and draw pay the same as if their schools had been in session upon those days. When any one of the above named holidays falls upon a Sunday, the Monday following shall be observed as a school holiday, with all the privileges applying to any of the days above named.'

School holidays.

—teachers may close schools on holidays.

—when holiday falls on Sunday.