

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Ninth Legislature

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[supplied from page 3 of volume]

Fourth. If it is intended for use on vegetation and shall contain any substance or substances injurious to such vegetation.'

Approved March 29, 1919.

Chapter 127.

An Act Relating to Schooling in Unorganized Territory.

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

Sec. 1. I. Children between ages of five and twenty-one years in unorganized territory entitled to school privileges; term "unorganized territory" defined. All children between the ages of five and twenty-one years who reside with a parent or legal guardian in unorganized territory within this state (within the meaning of this act 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, disorganized town or plantation, or any other distinct and separate portion of unorganized state territory) shall be entitled to school privileges which shall be provided under the direction of the state superintendent of public schools under such rules and regulations as may be made from time to time by him and approved by the governor and council.

II. Elementary schools to be established or children sent to schools already established; tuition, transportation, board. Elementary school privileges may be provided by the state superintendent of schools by establishing and maintaining in the unorganized territory such elementary schools, the minimum school year of which shall be thirty 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 state superintendent 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 state superintendent 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 state superintendent.

III. State to pay tuition in secondary school. Any youth who resides with a parent or legal guardian in the unorganized territory of this state and who may be judged by the state superintendent qualified to enter a

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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 state superintendent of public schools. In such case the tuition of such youth not to exceed forty-five dollars annually 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 state superintendent.

IV. State to cooperate with U. S. government for schooling of children on government reservation. Special arrangements may be made to provide elementary school privileges in cooperation with the United States government for a child or children residing with a parent or legal guardian at any light station, fog warning station, life saving station, or other place within a United States government reservation, under such rules and regulations as may be made by the state superintendent and approved by the governor and council.

Sec. 2. \$35,000 annually to be set aside from school funds; how expended. For the purpose of carrying out the provisions of the preceding section, there is hereby appropriated the sum of thirty-five thousand dollars annually, which sum shall be deducted and set aside therefor by the treasurer of state from the annual school funds of the state. All of this appropriation not expended during any financial year, shall, on the first day of July next following, be added to the permanent school fund. The state superintendent is hereby authorized to use this appropriation for any purpose in connection with the schooling of children in the unorganized territory of the state, including: teachers' salaries, board and traveling expenses; fuel and janitor service; tuition, board and transportation of elementary school pupils; secondary school tuition; textbooks, school apparatus and supplies; erection, equipment, repair and maintenance of schoolhouses and requisite buildings, all of which schoolhouses shall conform to the minimum requirements for school buildings as provided by section fourteen of chapter sixteen of the revised statutes, as amended; lots for school buildings or leases thereof; services and expenses of agents and attendance officers, and clerical assistance; and any other expenses he may deem necessary.

Sec. 3. Census to be procured before school privileges provided. Before school privileges are provided in accordance with section one of this act for a child or children in any unorganized unit it shall be the duty of the state superintendent through his agents to procure returns showing an assessment of the school tax as provided in section four, and the number of persons, including the names and ages of those between five and twenty-one 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 first day of April, or corrected to the first day of April, as long as school privileges are so provided.

Sec. 4. Special school tax to be assessed on male residents. Whenever school privileges are first provided in accordance with section one of this act for a child or children resident in any unorganized unit and annually thereafter on the first day of April as long as school privileges are provided all male residents of such unorganized unit twenty-one years of age and over shall be assessed and shall pay to the state superintendent of public schools or his duly authorized agent a school tax of three dollars. The obligation to pay this tax shall in no way be removed in case a resident pays or has paid a poll tax in a town. The state superintendent shall have authority to abate said tax in any case when conditions appear to warrant such action. All of said taxes so collected by agents shall be remitted by them to the state superintendent, who shall transfer such taxes to the treasurer of state to be credited to the appropriation for schooling in unorganized territory.

Sec. 5. School agents and attendance officers may be appointed; duties. The state superintendent shall have authority to appoint agents for the whole and any portion of the unorganized territory and said agents shall perform such duties in connection with the schooling of children, including the assessing and collecting of the school tax, as the state superintendent may authorize or delegate in each particular appointment. Said agents in the collection of the school tax aforesaid shall have the same powers and may use the same methods as collectors of taxes in towns are authorized to exercise and use for the collecting of personal and poll taxes committed to them; 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 the state superintendent for any unorganized unit. Attendance officers for the unorganized territory shall have the same authority and be under the same obligations as provided in section sixty-eight of chapter sixteen of the revised statutes, with such changes as provided in section ten of this act.

Sec. 6. I. State may take land for schoolhouses and appraise damages when owner refuses to sell or demands unreasonable price. When a location for a schoolhouse and requisite buildings in any unorganized unit has been designated by the state superintendent and the owner thereof refuses to sell, or, in the opinion of the state superintendent asks an unreasonable price for it, or resides without the state and has no authorized agent or attorney therein, the state superintendent or his duly authorized agent, any time after thirty days from the time of notifying the said owner of the designation of said lot, may lay out a schoolhouse lot, not exceeding three acres, and appraise the damages; and on payment and tender of such damages, or if said owner does not reside in the state, upon

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depositing such damages with the state treasurer for his use, may take such lot to be held and used for the purposes aforesaid, and should a school building not be erected thereon within a period of three years from the date the lot was taken by the state it shall revert to the owner, his heirs or assigns. The state superintendent may take real estate for the enlargement or extension of any location designated for the erection or removal of a schoolhouse and requisite buildings and playgrounds, as herein provided; but no real estate shall be so taken within fifty feet of a dwelling house and all schoolhouse lots and playgrounds that require fencing shall be fenced by the state.

II. Owner of land taken may appeal to state assessors. If the owner is aggrieved at the location of the lot, or the damages awarded, he may apply to the board of state assessors within three months, who may change the location and assess the damages. If the damages are increased or the location changed, the state shall pay the damages and costs; otherwise the costs shall be paid by the applicant.

Sec. 7. When unorganized unit becomes organized school buildings must be taken over and paid for. Whenever any unorganized unit becomes organized as a town or plantation such town or plantation shall, within two years of the date of said organization, through the state superintendent, pay to the treasurer of state for each school building within its limits erected or remodeled in accordance with this act a sum to be determined by the state superintendent and not less than two-thirds 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. A record shall be kept by the state superintendent of the cost of all such buildings, lots and improvements, which shall be used as a basis for such settlement. It is further provided that any town or plantation dissatisfied with the sum determined upon by the state superintendent in such case may, after a vote taken by the town or plantation at a regular or special meeting called for the purpose appeal to the governor and council who shall make the final decision relative thereto.

Sec. 8. School property in unorganized territory to be taken over by state; when town or plantation is disorganized school property to be taken by state. Any school building in unorganized territory may be used and held for school purposes by the state superintendent of public schools, 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 shall become the property of the state upon the passage of this act. Whenever a town or plantation becomes disorganized by act of the legislature all school property therein shall become the property of the state and under the charge of the state superintendent the same as other school property in unorganized territory.

Sec. 9. When town or plantation fails to elect officers, state to take charge of school property and provide school privileges. Whenever the civil organization of any town or plantation becomes defunct through failure to hold the annual town or plantation meeting, failure to fill vacancies in necessary offices, or in any other manner, it shall be the duty of the state superintendent of schools to assume charge of all school property therein, to require an accounting for all town or plantation school funds, and to provide school privileges for children between five and twenty-one years of age whose parents are residents of such town or plantation, until such time as it shall recover its civil organization or is disorganized by act of the legislature. The state superintendent may provide the school privileges in such manner as he may deem expedient under the supervision of any of the agents of the unorganized territory or a special agent appointed by him for the purpose. The expense of such school privileges shall be paid from the appropriation for schooling in unorganized territory and in case any such town or plantation recovers its civil organization within a period of two years the amount of any such expense paid by the state shall, upon recommendation of the state superintendent of schools, be deducted by the treasurer of state from any school funds that may subsequently become payable to such town or plantation by the state and credited to the appropriation for schooling in unorganized territory.

Sec. 10. Law as to compulsory school attendance, etc., to be applicable in unorganized territory; state to distribute laws. The compulsory school attendance laws, child labor laws and sections fifty-three and fifty-four and one hundred and forty-eight to one hundred and fifty-two, inclusive, of chapter sixteen of the revised statutes, shall apply to children of the unorganized territory 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 state superintendent and approved by a judge of the supreme judicial court to make these laws applicable to the unorganized territory while retaining the general principles of the laws; and it shall be the duty of the state superintendent to have these laws, with the changes as made, printed in sufficient quantity for use in the unorganized territory, and to supply to any person making application therefor.

Sec. 11. R. S., c. 16, § 115; relating to schooling of children in unorganized townships; R. S., c. 16, § 116; relating to cost of schooling in unorganized townships; R. S., c. 16, § 117, 1917, c. 51; relating to school agents in unorganized townships; R. S., c. 16, § 118, 1917, c. 65; relating to appropriation for schooling of children in unorganized townships; R. S., c. 16, § 119; relating to tuition in secondary schools for youths residing in unorganized townships; repealed. Sections one hundred and fifteen; one hundred and sixteen; one hundred and seventeen, as amended by chapter fifty-

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one of the public laws of nineteen hundred and seventeen; one hundred and eighteen, as amended by chapter sixty-five of the public laws of nineteen hundred and seventeen; and one hundred and nineteen of chapter sixteen of the revised statutes, are hereby repealed.

Approved March 29, 1919.

Chapter 128.

An Act to Amend Section Thirty-seven of Chapter Fifty-five of the Revised Statutes,
Relating to Authorization of Issue of Stocks, Bonds and Notes by Public Utilities.

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

R. S., c. 55, § 37; relating to authorization of issue of stocks, bonds, etc., by public utilities, amended. The first sentence of section thirty-seven of chapter fifty-five of the revised statutes is hereby amended by adding after the word "obligations" in the tenth line thereof the following: 'or to reimburse its treasury for moneys used for the acquisition of property, the construction, completion, extension or improvement of its facilities, and which actually were expended from income or from other moneys in the treasury of the corporation not secured by or obtained from the issue of stocks, bonds, notes or other evidences of indebtedness of such corporation,' so that said section thirty-seven, as amended, shall read as follows:

'Sec. 37. May issue stocks, bonds, etc., to reimburse treasury for money used for acquisition of property, etc., actually expended from income or other moneys. Any public utility now organized and existing, and doing business in the state or hereafter incorporated under and by virtue of the laws of the State of Maine, may issue stocks, bonds, which may be secured by mortgages of its property, franchises or otherwise, notes or other evidences of indebtedness payable at periods of more than twelve months after the date thereof, when necessary for the acquisition of property to be used for the purpose of carrying out its corporate powers, the construction, completion, extension or improvement of its facilities, or for the improvement or maintenance of its service, or for the discharge or lawful refunding of its obligations, or to reimburse its treasury for moneys used for the acquisition of property, the construction, completion, extension or improvement of its facilities, and which actually were expended from income or from other moneys in the treasury of the corporation not secured by or obtained from the issue of stocks, bonds, notes or other evidences of indebtedness of such corporation, or for such other purposes as may be authorized by law; provided and not otherwise, that upon written application, setting forth such information as the commission may require, there shall have been secured from the commission an order authorizing such issue and the amount thereof and stating that in the opinion