

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)

ACTS AND RESOLVES

AS PASSED BY THE

Eightieth Legislature

OF THE

STATE OF MAINE

1921

Including Acts and Resolves of the Special Session held in 1920.

Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

LEWISTON JOURNAL PRINTSHOP AND BINDERY
LEWISTON, MAINE

1921

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eightieth Legislature

1921

[supplied from page 3 of volume]

CHAP. 173

in the first line of said section the words 'who shall be a competent accountant' and by striking out all the words in the third sentence of said section, so that said section, as amended, shall read as follows:

'Sec. 81. Number of terms not limited. A state auditor who shall be a competent accountant shall be elected by the electors of the state qualified to vote for governor, biennially, on the second Monday of September; he shall hold his office for two years from the first day of January next succeeding his election. He shall give to the treasurer of state a bond, for the faithful discharge of his duties, in an amount and with sureties, or with a surety company authorized to do business in the state, as surety, to be approved by the governor, with the advice and consent of the council. In case a vacancy occurs, the governor, by and with the advice and consent of the council, may appoint a person to fill said vacancy for the unexpired term.'

Approved April 8, 1921.

Chapter 173.

An Act to Establish the State School Fund and to Provide for the Apportionment of the Same.

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

Sec. 1. State school fund, for maintenance and support of elementary and secondary schools, how created. A tax of three and one-third mills on a dollar shall annually be assessed upon all the property in the state according to the value thereof and said tax shall be assessed and collected in the same manner as other state taxes and be paid into the state treasury. To the fund resulting from said tax the treasurer of state annually shall add a sum equal to six per cent of the permanent school fund, as provided by law, and a sum equal to one-half the amount received by the state from the tax on the franchises of savings banks and on the deposits of trust and banking companies, as provided by law. The sum total of the amount so assessed and collected shall be designated the state school fund and after the deduction therefrom of all funds and appropriations which the treasurer of state is authorized by law to deduct, the balance shall be distributed among the several cities, towns and plantations of the state in the manner provided for by this act to be expended by said cities, towns and plantations for the maintenance and support of elementary and secondary schools established and controlled by them.

Sec. 2. Terms defined. For the purposes of this act the following terms are defined:

The term "elementary school" shall be understood to include that part of the school organization of a town in which is offered a program of studies preceding that offered by a Class A high school as defined by section seventy-three of chapter sixteen of the revised statutes.

The term "secondary school" shall be understood to include that part of the school organization of a town offering a program of studies as included in Class A high schools or any part thereof as defined by section seventy-three of chapter sixteen of the revised statutes and as arranged for by the establishment and maintenance of a free high school, a union high school or by contract with the superintending school committee of an adjoining town or with the trustees of an academy within the town or in an adjoining town as provided for by section eighty-four of chapter sixteen of the revised statutes.

The term "teaching positions" shall be understood to mean positions in elementary and secondary schools filled by classroom teachers, assistant classroom teachers, school principals, school nurses, supervisors, assistants to supervisors and teachers of special subjects except when any such position is used as a basis for payment of state aid under the provisions of the laws encouraging industrial, vocational and physical education or when any such position is filled by a person devoting less than half of the school day to the duties of such positions. Provided, however, that the number of teaching positions in a secondary school shall be reckoned in such ratio to the actual number of such positions as the aggregate attendance of pupils residents of the town is to the aggregate attendance of all pupils regularly enrolled in the school and provided, further, that a teaching position in an elementary or a secondary school maintained for any part of the school year shall be reckoned in such ratio to a complete position as the number of weeks which the position was maintained is to the number of weeks schools of the town were maintained.

The term "school census" shall be understood to mean the number of persons between the ages of five and twenty-one years as provided for by section forty-nine of chapter sixteen of the revised statutes.

The term "aggregate attendance" shall be understood to include the total number of days of attendance for any one school year of each regularly enrolled pupil resident of the town in elementary and secondary schools; provided that the attendance of each pupil present on the day preceding shall be counted for each school holiday within any school term, for each day of the school year when there is no session of school because of absence of the teacher in attendance on teachers' meetings, as provided by law and for not more than one day in each term when there is no session of school because of the absence of the teacher in visiting other schools when so authorized by the superintending school committee.

Sec. 3. State auditor to report to state superintendent of schools July 1st; state superintendent to make apportionment and report to governor and council amounts to be paid towns in December.

On the first day of July, nineteen hundred twenty-two, and annually thereafter, the state auditor shall report to the state superintendent of public schools the amount of the state school fund and all deductions therefrom provided for by law, and the state superintendent of public schools shall apportion said state school fund to the several cities, towns and plantations in the manner provided for by this act and shall transmit a report of said apportionment to the governor and council. Upon approval of said report by the governor and council there shall be paid to the treasurers of said towns in December nineteen hundred twenty-two and annually thereafter the amounts so apportioned.

Sec. 4. Deductions from state school fund. In addition to the other funds and appropriations provided for by law to be deducted from the state school fund, there shall annually be deducted the sum of one hundred thousand dollars, the same to be denominated the school equalization fund and to be apportioned and distributed in the manner and for the purposes provided for by section nine of this act. From the state school fund there shall also be apportioned such sums as may be required for payment to towns for reimbursement of tuition in secondary schools as provided for by section five of this act, and such sums as may be required for payment to towns on account of teaching positions maintained as provided for by section six of this act, and such sums as may be required for apportionment to towns on the basis of school census as provided for by section seven of this act, and the balance of said state school fund shall be apportioned and distributed to towns on the basis of aggregate attendance as provided for by section eight of this act.

Sec. 5. Reimbursement to towns for tuition for pupils attending secondary schools. When any town shall have been required to pay and has paid tuition for pupils attending secondary schools, as provided by section eighty-five of chapter sixteen of the revised statutes, the superintendent of schools of such town shall make a return under oath to the state superintendent of public schools before the first day of September, nineteen hundred and twenty-two, and annually thereafter, for the preceding school year, stating the name of each pupil for whom tuition has been paid, the amount paid by the town for each and the name and location of the school which each has attended. Upon the approval of said return the state superintendent of public schools shall apportion to such town a sum equal to two-thirds the amount thus paid by such town not to exceed forty dollars for any one pupil or six hundred dollars for any one town. Provided, further, that tuition for such pupils may

be paid by towns to an amount not exceeding the average cost per pupil for the year preceding that for which the tuition is paid in the school attended by such pupil, but such payment by any town shall not exceed one hundred dollars for any pupil for any one year.

Sec. 6. Apportionment to towns for teaching positions. On the basis of information furnished to the state superintendent of public schools by the return of educational statistics for the year ending July first, nineteen hundred and twenty-two, and annually thereafter, as provided for by section fifty-one of chapter sixteen of the revised statutes, said state superintendent shall apportion to each town the sum of one hundred dollars for each teaching position, or a corresponding fractional part of one hundred dollars for each fractional part of a teaching position maintained in the elementary and secondary schools of such town.

Sec. 7. Apportionment on basis of school census. On the basis of the school census of the towns on April first, nineteen hundred and twenty-two, and annually thereafter, as returned under the provisions of section fifty of chapter sixteen of the revised statutes, the state superintendent of public schools shall apportion to each town the amount of three dollars for each person returned in the school census for said town.

Sec. 8. Apportionment on basis of aggregate attendance. On the basis of information furnished to the state superintendent of public schools by the return of educational statistics for the year ending July first, nineteen hundred and twenty-two, and annually thereafter, as provided for by section fifty-one of chapter sixteen of the revised statutes, the state superintendent of public schools shall apportion to the several towns the amount available for this purpose on the basis of the aggregate attendance of pupils in elementary and secondary schools maintained by those towns.

Sec. 9. School equalization fund, how apportioned. The school equalization fund shall be apportioned by the state superintendent of public schools to the towns qualified to receive aid from said fund as follows:

I. Whenever any school lawfully established and maintained by a town for the number of weeks of school provided for in said town fails to record at least fifteen hundred days aggregate attendance for the pupils enrolled in said school, there may be apportioned to the town maintaining said school such amount as, added to the amount already apportioned under section eight of this act on account of aggregate attendance in said school, will give to said town on account of said school an amount equal to that apportioned for fifteen hundred days aggregate attendance.

II. When any school has been closed by order of the proper authorities because of the prevalence of an epidemic or because of the unfitness of

CHAP. 173

the school building from the effects of fire or other unpreventable causes and when the teacher employed in said school has received pay for the period for which the school has been closed, there may be apportioned to the town in which said school is located a sum equal to that which would have been apportioned under the provisions of section eight of this act for the aggregate attendance of pupils regularly enrolled in said school during the period in which it was closed, provided, however, that such attendance shall not be reckoned beyond fifteen days of such a period and provided further, that such attendance shall not be reckoned if the time so lost was made up within the school year with no additional expenditure for the wages of the teacher therefor.

III. Whenever any school is closed or suspended after this act becomes effective as provided for by section two of chapter sixteen of the revised statutes and pupils attending such school have been conveyed to another school under such conditions of conveyance as may be approved by the state superintendent of public schools, there may be apportioned to the town in which such school was maintained such amount as, added to the amount apportioned under the provisions of section six of this act on account of teaching positions, will give to said town, on account of said school, the same amount as though this position had been maintained for the entire year. Provided, further, that so long as said school remains closed and satisfactory conveyance is maintained there may be apportioned the same amount as for the maintenance of a teaching position, provided, however, that the amount so apportioned shall not exceed one-half the cost of such conveyance.

IV. Whenever any town through its superintendent or superintending school committee shall submit to the state superintendent of public schools a definite plan for consolidation of schools, conveyance of pupils, housing of teachers, standardization of schools, or other projects especially worthy of encouragement, said state superintendent of public schools shall investigate such plan and upon approval of the same may recommend to the governor and council the payment to such town of an amount, not exceeding five hundred dollars in any one year, as an encouragement to such plan or project, provided, however, that the total amount available for aid under this paragraph shall not exceed ten per cent of the equalization fund.

V. Such amount of the school equalization fund not apportioned as provided for by the four preceding paragraphs shall be apportioned to towns wherein a rate of taxation considerably in excess of the average rate for the state fails to produce a school revenue sufficient to secure a reasonable standard of educational efficiency; 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 eleven of this act, exclusive of any amounts received from the state; provided, further, that no town shall receive an apportionment out of the school equalization fund unless its municipal tax rate for all purposes shall be in excess of a rate which is three mills less than the average of such rates for all the towns of the state. The state superintendent of public schools shall cause a special investigation to be made of the educational facilities of such towns and, whenever it appears to the state superintendent 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 draw a warrant in favor of the treasurer of said town for the payment from the equalization fund of a sum which shall be expended under the direction of the superintending school committee of said town in accordance with the recommendation as made by the state superintendent of public schools. The state superintendent of public schools may expend for the special investigation of educational facilities as herein provided a sum not to exceed two thousand dollars which shall be deducted from the equalization fund.

Sec. 10. Union schools; how apportionment shall be paid.

Amounts apportioned from the state school funds 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 school in proportion to the aggregate attendance of pupils resident of each of said towns.

Sec. 11. How state school funds 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.

CHAP. 173

Sec. 12. One half amount received by town to be considered as raised by the town in computing amount town must raise under section sixteen of Chapter 16, R. S. One-half the amount received by any town from the apportionment provided by this act shall be deemed to be raised by such town within the meaning of section sixteen of chapter sixteen of the revised statutes.

Sec. 13. Procedure in case returns are not filed by town. Whenever the information required for the purposes of this act 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 state superintendent of public schools may use as a basis for apportionment numbers on which the apportionment for said town was made for the preceding year less ten per cent. But no apportionment as provided by this act shall be paid to any town by the treasurer of state until returns required by law have been filed with the state superintendent of public schools, nor so long as any state tax assessed upon such town remains unpaid.

Sec. 14. How term "state school fund" shall be construed as applied to R. S., chap. 16. Whenever in chapter sixteen of the revised statutes authority is given to deduct appropriations or funds from state school funds or from the school mill fund, it shall be understood that such deductions shall be made from the state school fund as described in section one of this act.

Sec. 15. Unexpended balances to be credited to permanent school fund. All unexpended balances of the state school fund or of any funds or appropriations deducted therefrom shall, at the close of the year for which said fund or appropriation is available, be added to the permanent school fund of the state.

Sec. 16. R. S., c. 16, §§ 72, 74, 77, 86, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168; 1919 c. 228; providing for state aid to free high schools, secondary school reimbursement, assessment and distribution of school mill fund and common school fund, creation and distribution of equalization fund and providing for an equalization fund for secondary schools, repealed. All acts and parts of acts inconsistent with this act are hereby repealed. Such acts so repealed include all of the following sections of chapter sixteen of the revised statutes: sections seventy-two, seventy-four and seventy-seven providing for state aid to free high schools; section eighty-six providing for secondary school reimbursement; sections one hundred and fifty-four, one hundred and fifty-five, one hundred and fifty-six, one hundred and fifty-seven, one hundred and fifty-eight, one hundred and fifty-

nine, one hundred and sixty, one hundred and sixty-one, one hundred and sixty-two, one hundred and sixty-three, one hundred and sixty-four and one hundred and sixty-five providing for the assessment and distribution of the school mill fund and the common school fund; section one hundred and sixty-six, one hundred and sixty-seven and one hundred and sixty-eight providing for the creation and distribution of the equalization fund; chapter two hundred and twenty-eight of the public laws of nineteen hundred and nineteen providing for an equalization fund for secondary schools is also repealed.

Approved April 8, 1921.

Chapter 174.

An Act to Amend Section Fifty-three of Chapter Eight of the Revised Statutes, as Amended by Chapter One Hundred and Eleven of the Public Laws of Nineteen Hundred and Nineteen, Requiring a Permit for the Burning of Brush or Slash near Woodlands.

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

R. S., c. 8, § 53; 1919 c. 111 and 168; relating to the removal of slash or other inflammable material along railroads and ways, amended. Section fifty-three of chapter eight of the revised statutes, as amended by chapter one hundred and eleven of the public laws of nineteen hundred and nineteen, is hereby further amended by inserting after the word "road" in the tenth line of said section the following words: 'Any person, firm, corporation or agent cutting any forest growth on property adjacent to woodlands within the state outside the limits of the Maine Forestry District and all such firms, persons and corporations, who by themselves, their agents, servants, licensees, permittees or lessees operate, or permit operation, of portable sawmills on land which borders on woodland shall dispose of slash and debris caused by cutting in such a manner that inflammable material shall not remain on the ground within fifty feet of the line of cutting on the side or sides toward such woodland,' so that said section, as amended, shall read as follows:

'**Sec. 53. Debris and inflammable material caused by cutting forest growth adjacent to woodlands owned by another shall be disposed of; slash and debris caused by portable sawmills shall be disposed of; permit to be obtained for the burning of blueberry lands adjacent to forest growth.** Any person, firm, corporation or agent, cutting any forest growth on property adjacent to the right of way of any railroad or highway within the state, shall leave the growth uncut on the land within fifty feet of the limit of the right of way of a railroad or center of the wrought portion of any plantation, town, city, county or