

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-seventh Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-seventh Legislature

1955

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

Effective May 17, 1955

Chapter 368

AN ACT Exempting Towns from the Use Fuel Tax.

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

Sec. 1. R. S., c. 16, § 170, amended. The 5th paragraph of section 170 of chapter 16 of the revised statutes is hereby amended to read as follows:

“Person” shall mean and include natural persons and partnerships, firms, associations, corporations, both public and private, ~~and~~ except municipalities.’

Sec. 2. R. S., c. 16, § 174, amended. The 1st paragraph of section 174 of chapter 16 of the revised statutes is hereby amended to read as follows:

‘Every user ~~except a municipality~~ shall file with the State Tax Assessor a bond as follows:’

Effective August 20, 1955

Chapter 369

AN ACT Relating to Approval and Accreditation of Secondary Schools.

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

Sec. 1. R. S., c. 41, § 98, repealed and replaced. Section 98 of chapter 41 of the revised statutes is hereby repealed and the following enacted in place thereof:

‘Approval and Accreditation of Secondary Schools.

Sec. 98. Approval and accreditation of secondary schools. The secondary schools of this State shall be evaluated for basic approval and may be evaluated for accreditation. No school shall be given basic approval for attendance, tuition or subsidy purpose within the provisions of this chapter unless it meets the following requirements:

- I. It maintains a course of study approved by the Commissioner of Education.
- II. It has a school day of sufficient length to allow 200 minutes per week for each period in the basic schedule.
- III. It has a minimum school year of 180 legal school days.
- IV. It employs one or more certified or licensed teachers for each two grades of its organization.
- V. It has a pupil-teacher ratio of not more than 30 to 1.

VI. It has safe and hygienic facilities, adequate equipment and supplies, all of which comply with the regulations established by the State Department of Health and the State Department of Education.

VII. It is organized to include not less than 2 consecutive grades from 8 to 12, inclusive.

VIII. The requirements for graduation include 16 Carnegie units earned in grades 9 through 12, inclusive, 4 of which shall be in English and one in American history.

IX. It has adequate, safely protected records.

Any approved school may apply to the Commissioner of Education for recognition as an accredited school. The Commissioner, with the approval of the State Board of Education, shall establish requirements for accreditation which shall include nationally recognized standards, including quality of instruction, school facilities and curriculum content. The Commissioner shall appoint an advisory committee consisting of professional and lay persons to assist in the development of these standards. No school shall be accredited until it has been evaluated by a committee qualified to appraise its functions and the success attending its program.'

Sec. 2. R. S., c. 41, § 99, amended. Section 99 of chapter 41 of the revised statutes is hereby amended to read as follows:

'Sec. 99. Towns not obliged to pay tuition; exception. ~~A town or union maintaining a class A high school as defined in section 98 shall not be required to pay tuition except as provided by section 107. A town or union maintaining a class B or junior high~~ an approved secondary school as defined in section 98 shall not be required to pay tuition for any pupil until he has completed that part of the course or the equivalent thereof of said school approved by the Commissioner except as provided by section 107.'

Sec. 3. R. S., c. 41, § 100, amended. Section 100 of chapter 41 of the revised statutes is hereby amended to read as follows:

'Sec. 100. Schools inspected. All schools of secondary grade receiving state aid shall be inspected under the direction of the Commissioner and the expense thereof shall be paid from the state appropriation for the support of high schools; and he shall determine what schools are included in the classification of section 98, ~~what schools maintain the courses of study, what schools are entitled to state aid and what schools maintain approved courses for the reception of tuition scholars approved for attendance, tuition and subsidy purposes and what schools are accredited through the procedures described in section 98.~~

Sec. 4. R. S., c. 41, § 105, amended. Section 105 of chapter 41 of the revised statutes is hereby amended to read as follows:

'Sec. 105. Pupils in towns having no free high schools. Any town which does not maintain ~~a free high~~ an approved secondary school ~~of standard grade~~ may authorize its superintending school committee to contract for 1 to 5 years with and pay the superintending school committee of any adjoining town or towns, or the trustees of any academy located within such town or in any adjoining town or towns, for the schooling of pupils within said town in the studies contemplated by section 98. When the amount to be paid under the contract shall

equal or exceed the income of the academy for the preceding fiscal year, exclusive of sums paid said academy by the contracting town, a joint committee shall be formed consisting of the superintending school committee of said town and an equal number of the trustees of the academy; provided that by a formal vote at an annual town meeting such action is requested. Said joint committee shall be empowered to select and employ the teachers for the academy, to fix salaries, to arrange the course of study, to supervise the instruction and to formulate and enforce proper regulations pertaining to other educational activities of the school. The superintendent of schools of the contracting town in which the academy is located shall be secretary ex officio of the joint committee and shall be assigned such supervisory duties in connection with the school as the joint committee shall determine. When a town has made a contract as provided for in this section, or as provided in the act of incorporation of any such academy and amendments thereto prior to May 1, 1907, the tuition liability of said town shall be the same as if a free high school were maintained in accordance with section 98, and the expenditure of any town for schooling of pupils as provided in this section shall be subject to the conditions of sections 107 and 108 for the purposes of state subsidy to the municipality or community school district under the provisions of section 237.

Sec. 5. R. S., c. 41, § 106, amended. Section 106 of chapter 41 of the revised statutes is hereby amended to read as follows:

'Sec. 106. State aid. No town shall receive state aid under the provisions of section 105 if ~~a free high~~ an approved public secondary school of ~~standard grade~~ is maintained ~~in~~ by such town.'

Sec. 6. R. S., c. 41, § 107, amended. Section 107 of chapter 41 of the revised statutes is hereby amended to read as follows:

'Sec. 107. A youth residing in town not supporting a secondary school may attend such school elsewhere; occupational courses; tuition; board. Any youth who resides with a parent or guardian in any town which does not support and maintain ~~a standard~~ an approved secondary school may attend any approved secondary school to which he may gain entrance by permission of those having charge thereof, ~~provided the said youth shall attend a school or schools whose courses are approved by the commissioner~~. When a town not maintaining a secondary school has authorized its superintending school committee to contract, as provided for in section 105, with the trustees or superintending school committees of 2 schools, and when the officials of one of these schools refuses to enter a contract, then the superintending school committee may authorize pupils residing within said town to attend that noncontracting school and may pay the trustees or superintending school committee of the receiving school the legal tuition charge thereof. Any youth who resides with a parent or guardian in a town that maintains, or contracts for school privileges in, an approved secondary school which offers less than 2 approved occupational courses of study, and ~~whose qualifications for such training are approved by the superintending school committee of the town~~ who has met the qualifications for admission to the high school in his town, may elect to attend some other approved secondary school to which he may gain admission for the purpose of studying an occupational course not offered or contracted for by the town of his legal residence.

In the case of any youth attending school under conditions as provided for in the preceding paragraph, in schools in which the enrollment of tuition students is 10% or more of the total enrollment or attending any community high school, the annual tuition shall not exceed 115% of the average cost per pupil in all secondary schools of the State for the preceding fiscal year; except that, in a secondary school in which the enrollment of tuition pupils is less than 10% of

the total enrollment or in which at least 3 courses of study, 2 of which are industrial or occupational, are not offered, the tuition shall not exceed the average cost per pupil in all secondary schools of the State for the preceding fiscal year. Said tuition shall be paid by the town in which said youth resides as aforesaid, and said tuition shall be payable for the fall term of school on January 1st; for the winter term of school on April 1st; and for the spring term of school on July 1st. Said tuition so paid shall be made a part of the secondary school fund of the town or academy receiving the same. Towns shall raise annually, as other school moneys are raised, a sum sufficient to pay such tuition charges. Provided, however, that no youth shall be entitled to free tuition under the provisions of this section unless he shall have satisfactorily passed an examination in elementary school branches, said examination having been given under the direction of the superintendent of schools of the town wherein such youth resides, on papers procured from the Commissioner, or unless such youth shall have satisfactorily completed a standard elementary school course of study which has been approved by the Commissioner; except that any youth who has satisfactorily completed the course of ~~a class B or junior high school~~ study of an approved secondary school in which the program of studies terminated before the 12th grade, as provided by section 98, shall be entitled to his free tuition, as hereinbefore provided, for the completion of ~~the 4 years of a standard~~ grades 9 to 12 in an approved secondary ~~course~~ school without the examination herein prescribed; provided further, that such free tuition privilege shall continue only so long as said youth shall maintain a satisfactory standard of deportment and scholarship. Any youth who otherwise meets the requirements of this section ~~with reference to~~ for admission to secondary schools grade 9 shall be entitled to the payment of his tuition, as herein provided, in any ~~high approved secondary school of the B class or junior high school for such part of the course of such high school as may be approved as equivalent in grade to the corresponding years of a standard secondary course offering part or all of the program of grades 9 through 12.~~ Superintendents of schools shall issue certificates of free tuition privilege to persons who may be entitled to free tuition under the provisions of this section. Any school receiving tuition pupils under the provisions of this section shall provide, without additional charge, all textbooks, apparatus and appliances used by said pupils, subject to the provisions of sections 34 to 36, inclusive.

It is further provided that in the case of any youth qualified for attendance at secondary school in accordance with the preceding paragraph, who resides with his parents, legal guardian or person acting in loco parentis, on a Maine coast island without highway connection with the mainland in any town not maintaining ~~a standard grade high~~ an approved secondary school, so located that in the judgment of the Commissioner attendance at secondary school necessitates boarding away from home and the arrangement is approved by him in advance upon a form provided for the purpose, the town wherein said pupil resides shall pay an amount for this purpose toward his board not to exceed \$180 for the school year or a prorated amount for any fraction thereof. Payment for said board shall be made, upon receipt of a satisfactory attendance record, at the end of periods not longer than 1 school month and shall be charged to the same account as that of secondary school tuition.'

Sec. 7. R. S., c. 41, § 161, amended. Section 161 of chapter 41 of the revised statutes is hereby amended to read as follows:

'Sec. 161. State to pay tuition in secondary school; board. Any youth who resides with a parent or legal guardian in the unorganized territory 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~~ an approved 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.

It is further provided that, in the case of any youth qualified for attendance at secondary school in accordance with the provisions of the preceding paragraph, who resides with his parents, legal guardian or person acting in loco parentis, on a Maine coast island in the unorganized territory, so located that in the judgment of the Commissioner attendance at secondary school necessitates boarding away from home and the arrangement is approved by him in advance upon a form provided for the purpose, the State shall pay an amount for this purpose toward his board not to exceed \$180 for the school year or a prorated amount for any fraction thereof. Payment for said board shall be made, upon receipt of a satisfactory attendance record, at the end of periods not longer than 1 school month.'

Sec. 8. R. S., c. 41, § 184, amended. The 1st sentence of section 184 of chapter 41 of the revised statutes is hereby amended to read as follows:

'Certificates of qualification signed by the Commissioner shall be granted to all candidates who pass satisfactory examinations in such branches as are required or permitted by law to be taught in the public schools and who in other respects fulfill the proper requirements; provided, however, that no person shall be eligible for a certificate unless he is at least 17 years of age and has completed not less than ~~a standard~~ an approved secondary school course or unless he shall present satisfactory evidence of such educational attainment otherwise secured as may be adjudged by the Commissioner to be the equivalent of said ~~standard~~ approved secondary school course.'

Sec. 9. R. S., c. 41, § 236, amended. The 1st 3 paragraphs of section 236 of chapter 41 of the revised statutes are hereby amended to read as follows:

'For the purposes of section 108 and sections 235 to 241, inclusive, 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~~ an approved secondary school as defined by section 98.

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 98 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 105.'

Sec. 10. Effective date. The provisions of this act shall become effective July 1, 1960.