

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## Ninety-ninth Legislature

OF THE

# STATE OF MAINE

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

As Passed by the Ninety-eighth Legislature

At The

SPECIAL SESSIONS, OCTOBER 28-31, 1957,

JANUARY 13-16, 1958,

MAY 6-8, 1958

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Whereas, such increase has made it necessary to expand the facilities of the Franklin County courthouse; and

Whereas, such expansion is vital to the well-being and welfare of the inhabitants of Franklin County; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. R. S., c. 89, § 29, amended.** Section 29 of chapter 89 of the Revised Statutes is amended to read as follows:

**'Sec. 29. Loans.** The county commissioners may obtain loans of money for the use of their county and cause notes or obligations, with coupons for lawful interest, to be issued for payment thereof at such times as they deem expedient; but such loans shall not exceed \$10,000, **except in Franklin County**, without first obtaining the consent of the county, substantially as provided in section 27.'

**Sec. 2. R. S., c. 89, § 29-A, additional.** Chapter 89 of the Revised Statutes, as amended, is further amended by adding a new section 29-A, to read as follows:

**'Sec. 29-A. Loans by Franklin County.** The county commissioners of Franklin County may obtain loans of money for the use of Franklin County, not to exceed \$50,000, and cause notes or obligations, with coupons for lawful interest, to be issued for payment thereof at such times as they deem expedient. Any loans of money in excess of the sum of \$10,000 shall be incurred only for the purpose of building, rebuilding, altering or otherwise improving county owned real estate and personal property contained therein.'

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

Effective January 16, 1958

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## Chapter 443

### AN ACT Relating to Educational Aid and to Clarify the Procedure of the Reorganization of School Administrative Units.

**Emergency preamble.** Whereas, the general diffusion of and the advantages of education are essential to the preservation of the rights and liberties of the people; and

Whereas, it is necessary to proceed immediately to authorize the creation and organization of more efficient administrative units to improve the quality of education; and

Whereas, there has been unreasonable delay in carrying out the reorganization of such administrative units; and

Whereas, it is essential that safe and adequate facilities for such administrative units be constructed without further delay; and

Whereas, in the judgment of the Legislature these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety, now, therefore,

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

Sec. 1. R. S., c. 41, §§ 237-A - 237-H, repealed and replaced. Sections 237-A to 237-H of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 364 of the public laws of 1957, are repealed and the following sections enacted in place thereof:

'Sec. 237-A. Minimum salaries for teachers. Each administrative unit operating public schools within the State shall employ only certified teachers and after July 1, 1958, shall pay such teachers, except substitute teachers as defined by the State Commissioner of Education, the minimum salaries as follows:

Years of Teaching Experience	Certified Teachers	Teachers with 3 years of Professional Study beyond High School	Teachers with 4 years of Professional Study beyond High School and with a Bachelor's Degree	Teachers with an earned Master's Degree
0	\$2,200	\$2,600	\$3,000	\$3,200
1	2,300	2,700	3,100	3,300
2	2,400	2,800	3,200	3,400
3	2,500	2,900	3,300	3,500
4	2,600	3,000	3,400	3,600
5	2,700	3,100	3,500	3,700
6	2,800	3,200	3,600	3,800
7	2,900	3,300	3,700	3,900
8	3,000	3,400	3,800	4,000
9	3,100	3,500	3,900	4,100
10	3,200	3,600	4,000	4,200

Notwithstanding other provisions of this section no town shall be required to increase the salary of any teacher more than \$300 in any one school year. Any administrative unit which fails to comply with any of these conditions shall have deducted from its apportionment a sum equal to that by which it is delinquent.

After providing an opportunity for a hearing, the State Board of Education, on recommendation of the commissioner, may adjust the state subsidy to an administrative unit when, in the opinion of the board, the expenditures for education in such unit shows evidence of manipulation to gain an unfair advantage.

Sec. 237-B. Reimbursement for professional credits. Whenever any certified teacher completes, within any 2-year period, 6 credit hours of additional professional work approved by the commissioner and receives supplementary financial assistance in an amount not less than \$50 from an administrative unit, said unit shall receive reimbursement of \$50 from the State for such expenditure at

the next distribution of state funds. The renewal of each teaching certificate shall be conditional on the completion of at least 6 semester hours of professional study within each period of 5 years, excepting that

I. Teachers qualifying for standard grade certificates, completing 18 semester hours of post-baccalaureate study, and teaching successfully for not less than 4 years; and

II. Certified teachers who have taught successfully for not less than 25 years may be declared eligible to a 10-year term certificate, renewal of which being conditional upon the presentation of evidence of professional improvement acceptable to the commissioner.

If the employment of teachers under permits or other special licenses is authorized by the State Board of Education, the said board shall have the authority to prescribe minimum salaries and other regulations for this class of teachers.

Sec. 237-C. The foundation program, defined. To help equalize educational opportunity and guarantee a minimum program of education for all children throughout the State there is established a foundation program or level of education, expressed in terms of a minimum dollar cost per pupil, in which the State will participate financially on a percentage basis rendering greater financial assistance to the less able administrative units.

Criteria for the foundation program shall be:

I. The scope of the school program shall include pre-primary or kindergarten education for 5 year old children and all grades through grade 12;

II. The cost of the foundation program shall include expenditures for teachers' salaries and board, conveyance of pupils, school bus purchases, fuel, janitors' services, tuition, board of pupils, textbooks, reference books, school supplies for desk or laboratory use, public utility services, flags, replacement of instructional equipment, fire insurance, compensation for superintendent and his assistants, school committee, community school committee or school directors, office, attendance officers and medical inspection;

III. School administrative units shall:

A. Pay teachers in accordance with the minimum salary law;

B. Employ at least one teacher for each 30 elementary school pupils in average daily membership except in the pre-primary or kindergarten where the ratio shall not exceed one teacher to 60 pupils and at least one teacher for each 25 high school pupils.

The term "average daily membership" as used in this chapter shall represent the sum of the days present and absent of all pupils in the schools under consideration divided by the number of days school is maintained.

Sec. 237-D. Foundation program allowance. The foundation program allowance for each administrative unit, except community school districts which do not offer educational programs for both grades and high school pupils, shall be determined as follows:

The average of the 2 preceding years' average daily membership of the pupils attending school in the unit shall be multiplied by the applicable dollar allowance in Table I below. To this amount shall be added the average of the unit's 2 preceding years' expenditure for tuition, pupil transportation and board. The total of these items will be the total foundation program. From this total foundation program shall be subtracted the average of the 2 preceding years' tuition collections and other school maintenance incidental receipts. The net cost thus obtained represents the net foundation program allowance on which state subsidy shall be computed biennially in accordance with section 237-E and Table II.

Table I

Size of School Administrative Unit Based on Average Daily Membership	Foundation Program Allowances	
	Elementary Schools	Secondary Schools
1-25	\$4,000 (1)	\$11,000 (2)
26-50	\$4,000 plus \$80 per pupil (1)	\$12,000 (2)
51-100	\$164 per pupil (1)	\$300 per pupil (2)
101-200	\$160 per pupil (1)	\$285 per pupil (2)
201-300	\$154 per pupil (1)	\$270 per pupil (2)
301-500	\$148 per pupil	\$260 per pupil
501-800	\$144 per pupil	\$250 per pupil
801 and over	\$140 per pupil	\$245 per pupil

(1) Compute at \$142 per pupil in average daily membership if within 10 miles of a school operated in a neighboring administrative unit by the nearest suitable highway.

(2) Compute at \$260 per pupil in average daily membership if within 15 miles of a school operated in a neighboring administrative unit by the nearest suitable highway for payments in December of 1957 and 1958. After January 1, 1959, if average daily membership is 60 or less, compute at \$225. If average daily membership is between 61 and 300, compute at \$260.

It is the intent of the Legislature that Table I of this section should be revised each biennium to the end that amendments may be enacted consistent with the changes in the educational expenditures of the towns. On or before October 1st of each year, prior to the convening of the Legislature, it shall be the duty of the Commissioner of Education to make recommendations to the Governor for such revision which may be used as the basis for budget needs and recommendation for state school subsidies for appropriation by the subsequent session of the Legislature.

Sec. 237-E. State support of the foundation program. On the basis of information available in the office of the Commissioner of Education on September 1st for the 2 years next preceding the biennial convening of the Legislature, as provided in returns of educational statistics required by him, the commissioner shall apportion subsidies to the school administrative units of the State for each of the next 2 years according to the following plan:

The several administrative units (cities, towns, plantations and School Administrative Districts) shall be divided into 21 classifications according to their valuations per resident school child being educated at public expense. The valua-

tion shall be as determined by the Board of Equalization in the statement filed by it, as provided in chapter 16, section 67, and effective on September 1st, and the number of children shall be the average of the last 2 enrollment reports of resident pupils being educated at public expense on April 1st annually, except that for the year 1958 allocations shall be based on the Board of Equalization statement filed on December 1, 1956.

For each classification the subsidy allocation thereafter shall be the same for each of the 2 years of the biennium and shall be the applicable percentage of the average net foundation program allowance for the preceding 2 years, as defined in section 237-D obtained from Table II below.

Table II

Class	State Valuation per Resident Pupil	Percentage of State Support of Foundation Program
1	\$3,000 and under	66%
2	3,001-3,500	64
3	3,501-4,000	62
4	4,001-4,500	60
5	4,501-5,000	58
6	5,001-5,500	55
7	5,501-6,000	52
8	6,001-6,500	49
9	6,501-7,000	46
10	7,001-7,500	44
11	7,501-8,000	41
12	8,001-8,500	38
13	8,501-9,000	36
14	9,001-9,500	34
15	9,501-10,000	32
16	10,001-10,500	30
17	10,501-11,000	28
18	11,001-11,500	26
19	11,501-12,000	24
20	12,001-12,500	21
21	12,501 and over	18

Whenever any administrative unit's average net operating cost in any biennium is less than the amount provided for in the average net foundation program, its state subsidy for the next 2 years will be decreased accordingly, that is, the percentage that the net operating cost is of the net foundation program allowance will be applied to that unit's preliminary allotment to determine the final subsidy.

As larger and more efficient administrative units are established throughout the State the existing inequities in state subsidy will level off. As this condition progresses it is the intent of the Legislature to revise Table II toward the ultimate end that all administrative units will be required to exert a single uniform tax effort on state valuation to support the foundation program.

Any administrative unit in which the average net operating cost in any biennium exceeds the amount of the average net foundation program allowance shall be entitled to an additional subsidy allocation on that part of its average



net operating cost which exceeds its net foundation program allowance, said subsidy to be 10% of the percentage to which said administrative unit is entitled to receive in Table II.

In figuring subsidy to community school districts, the following shall apply.

Those community school districts offering a school program which includes pre-primary or kindergarten through the 12th grade shall be subsidized as a single administrative unit, and payment made directly to the community school district rather than to the participating towns. In those community school districts where only part of this program is offered, the district cannot be considered as an administrative unit for subsidy purposes but each participating town's share of the operating cost of such district shall be treated as a tuition expenditure in the subsidy tabulation for that town and its subsidy figured accordingly.

The allocation made to each such town because of its share in the allowable operating cost of the community school district shall be paid to the community school district and credited to the town's share of the cost of operating the school with the remainder of each participating town's subsidy being paid directly to the town.

When a School Administrative District has taken over the operation of the public schools within its jurisdiction, the subsidy payment that would normally be paid to the subordinate administrative units which operated the public schools within the confines of the School Administrative District prior to the formation of said district shall be paid directly to the School Administrative District.

Sec. 237-F. Subsidy payments in December, 1958. In those administrative units where state subsidy for 1958 under the general purpose educational aid law would have been greater than the subsidy calculated under the provisions of sections 237-D and 237-E, the following shall apply: For payment in December, 1958 the payment will be the subsidy due under sections 237-D and 237-E plus  $\frac{1}{2}$  the difference between this amount and the amount that would have been allowed under the general purpose educational aid law.

Sec. 237-G. Supplemental state aid for reorganized districts. When administrative units are reorganized by the formation of "School Administrative Districts" as provided in sections III-A to III-U, the state subsidy paid annually to each such district, as determined in section 237-E, shall be supplemented by an additional 10% of the percent to which it is entitled through the computation in section 237-E.

In the event that the School Administrative District, within 3 years of the time of its formation, fails to provide the following, the additional 10% shall not be paid the district thereafter until such time as such provisions are made:

- I. A program which includes pre-primary or kindergarten through grade 12;
- II. One secondary facility serving all of the pupils in grades 9-12 in the district. Said facility may be constituted as a 4-year school, or combined with grades 7 and 8 to form a 6-year school or 2 or more 3-year schools.

Sec. 237-H. State aid for school construction. To provide effective incentive for the establishment of appropriate larger School Administrative Districts, the commissioner shall allocate state financial assistance to School Administrative Districts on school construction approved subsequent to the formation of such

districts in accordance with the following: On the basis of information available in the office of the commissioner on November 1st of each year, he shall apportion, in December of that year, to School Administrative Districts the same percentage of said district's expenditures for capital purposes, including cash payments or interest and principal payments, or payments under lease agreements with the Maine School Building Authority that the district would be entitled to receive that year on operational cost under section 237-E. Said apportionment shall apply similarly to payments made for capital outlay purposes on school construction approved by the Commissioner of Education after August 28, 1957, in single municipality administrative units where the April 1st enrollment of resident pupils in grades 9 through 12 for that year is over 700 pupils and in smaller administrative units when in the judgment of the Legislature, on recommendation of the commission, the formation of a School Administrative District by consolidation is not geographically or educationally practical.

If any subsidy is paid to an administrative unit which does not carry the school project through to completion in accordance with the approved plan, said payments shall be recovered by deducting the amounts so paid from any subsidy payable to the administrative unit.

"Capital outlay purposes" as the term is used in this chapter shall mean the cost of new construction, expansion, acquisition or major alteration of a public school building, the cost of acquisition of all land or interest therein of any nature or description for such construction, expansion, acquisition or major alteration, and any legal appraisal or surveyors' fees or services with relation thereto, the cost of demolition, of removing any buildings or structures on land so acquired, the cost of furnishings and equipment, financing charges, insurance during construction, cost of architectural, engineering and other legal expenses, plans, specifications, estimates of costs, and such other expense as may be necessary and incidental to any construction, expansion, acquisition or major alteration of a public school building and the placing of such a building in operation.

The term "school building" as used in this section shall mean, but not be limited to, any structure used or useful for schools and playgrounds, including facilities for physical education.

The term "major alteration" as used in this section shall mean the cost of converting an existing public school building to the housing of another or additional grade level group, or providing additional school facilities in an existing public school building but shall not include the restoration of an existing public school building or piece of equipment within it, to a new condition of completeness or efficiency from a worn, damaged or deteriorated condition.'

Sec. 2. R. S., c. 41, §§ 111-A - 111-P, repealed and replaced. Sections 111-A to 111-P of chapter 41 of the Revised Statutes, as enacted by section 1-B of chapter 364 of the public laws of 1957, are repealed and the following enacted in place thereof:

#### 'School District Commission.

Sec. 111-A. Declaration of policy. It is declared to be the policy of the State to encourage the development of school administrative units of sufficient size to provide a more equalized educational opportunity for pupils, to establish satisfactory school programs and to achieve a greater uniformity of school tax rates among the School Administrative Districts and a more effective use of the public funds expended for the support of public schools.

Sec. III-B. School District Commission. For the purpose of promoting, developing and adjusting a state plan for the creation of efficient School Administrative Districts throughout the State and for the purpose of approving applications for the organization of School Administrative Districts, a School District Commission, as heretofore established, shall consist of 5 members, one of whom shall be the Commissioner of Education who shall serve as secretary to the commission, the remaining 4 members to be appointed by the Governor with the advice and consent of the Council to serve for a period of 5 years. At the expiration of their term of office their duties and responsibilities are to be assumed by the State Board of Education. Vacancies in the membership of this commission shall be filled by the Governor with the advice and consent of the Council. Members of the commission shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties and, with the exception of the Commissioner of Education, shall receive \$10 per day for services actually rendered.

Sec. III-C. Organization. The School District Commission shall meet at the call of its secretary and organize by electing from its membership a chairman and vice-chairman and a treasurer. The commission shall adopt such by-laws, rules and regulations for the calling and holding of meetings and the administration of its affairs as it deems appropriate and necessary to effectuate the purposes of sections III-A to III-U. A majority of the membership of the commission shall constitute a quorum for the purpose of transacting business.

Sec. III-D. Powers and duties. The State School District Commission is empowered and authorized and it shall be their duty:

I. To appoint and employ in accordance with the Personnel Law such personnel as may be deemed necessary to carry out the duties imposed it by sections III-A to III-U, to fix the duties of such employees and to utilize staff of the State Department of Education and make funds available therefor;

II. To be responsible for a thorough study of school conditions and needs in the State, to determine plans for the establishment of appropriate School Administrative Districts in all organized territory of the State and to report its actions and recommendations to each regular session of the Legislature on or before January 10. Sections III-A to III-U shall be in full force and effect whether or not such study, plans or report have been made. Said study and planning shall be directed by the commission but shall include all possible participation and assistance by citizens and organizations at the local level;

III. To evaluate the impact of consolidation on valuation per pupil in the larger district as compared to the individual towns comprising the district and make definite recommendations with respect to an eventual uniform minimum tax rate toward the support of a foundation program of education when these larger districts have been appropriately established throughout the State;

IV. To survey, as completely as possible, school building needs and costs in the respective proposed districts which are required to effectively accomplish the organization of the districts;

V. To further expedite this reorganization by receiving, filing, examining and approving or disapproving applications by the superintending school committees of all the municipalities wishing to establish a School Administrative District.

VI. To further expedite the reorganization of administrative units by receiving, examining and recommending to the Legislature the establishment of School Administrative Districts which are not eligible for commission approval under section 111-E.

Sec. 111-E. Criteria for School Administrative Districts. The School District Commission may approve the formation of School Administrative Districts which had at least 300 resident secondary pupils educated at public expense in grades 9 through 12 as indicated in the last returns made to the Commissioner of Education under section 71.

The School District Commission may, in addition, approve the formation of a School Administrative District from any community school district existing on April 1, 1957 which has been formed under the general law or by special legislative charter and was operating a school on April 1, 1957, which offered a program of education for grades 9 through 12, irrespective of the number of resident pupils educated at public expense in grades 9 through 12 as indicated in the last return made to the Commissioner of Education under section 71.

The School District Commission may in addition to the power conferred in the preceding paragraph approve the formation of a School Administrative District from any community school district existing on April 1, 1957, which has been formed under the general law or by special legislative charter and was operating a school on April 1, 1957, which offered a program of education in grades 9 through 12 along with any other municipality or municipalities which desire to join with the area within any existing community school district, irrespective of the number of resident pupils educated at public expense in grades 9 through 12 as indicated in the last return made to the Commissioner of Education under section 71.

#### Organization of School Administrative Districts.

Sec. 111-F. School Administrative Districts. The residents of and the territory within 2 or more municipalities may form a School Administrative District, which shall be a body politic and corporate, by proceeding as follows:

I. The superintending school committees of the municipalities that desire to form a School Administrative District shall file an application with the School District Commission setting forth the names of the municipalities that propose to join to form said district on a form to be prepared by the commission and shall furnish such other data as the commission may determine necessary and proper for its deliberations.

II. If the proposed district is found to be eligible by the commission and is approved by it, the commission shall give notice to the municipal officers and the members of the superintending school committee in the municipalities within the proposed School Administrative District of a date, time and place of a joint meeting of the municipal officers and the superintending school committee members of each municipality. The notice shall be in writing and sent by registered or certified mail, return receipt requested, to the addresses as shown on the application mentioned in subsection I. A return receipt properly endorsed shall be evidence of the receipt of notice. The notice shall be mailed at least 10 days prior to the date set for the meeting.

III. The members of the school committee and the municipal officers of the municipalities within the proposed Administrative School District shall meet

at the time and place appointed and organize the meeting by electing a chairman and a secretary. No action shall be taken at the meeting unless at the time of the convening thereof there are present at least  $\frac{1}{2}$  of the total number of municipal officers and school committee members eligible to attend and vote at said meeting, other than to report to the School District Commission that a quorum was not present and request said commission to issue a new notice for another meeting in the same manner set forth in subsection II. The purpose of the meeting shall be to determine a fair and equitable number of school directors to be elected by and to represent each participating municipality. When a decision has been reached on the number of school directors and the number to represent each municipality, within the limitations provided, this shall be reduced to writing by the secretary and must be passed by a vote of  $\frac{2}{3}$  of those present. The vote shall be reduced to writing and the record of the meeting shall be signed by the chairman and attested by the secretary and forwarded to the School District Commission who shall receive and keep the same.

IV. When the record of the meeting has been received by the commission and found to be in order, the commission shall order the question of the formation of the proposed School Administrative District and other questions relating thereto to be submitted to the legal voters of the municipalities which fall within the proposed School Administrative District. The order shall be directed to the municipal officers of the municipalities which propose to form a School Administrative District, directing them to call town meetings or city elections, as the case may be, for the purpose of voting in favor of or in opposition to each article in the following form:

Article : To see if the municipality will vote to join with the municipalities of (naming them) to form a School Administrative District.

Article : To see if the municipality will vote to approve the allocation of representation among the municipalities on the Board of School Directors as recommended by the school committees and municipal officers and listed as follows: The total number of directors shall be , and the town of shall be entitled to directors, etc.

Where coterminous school districts exist or there is indebtedness outstanding for school construction or the purchase of personal property used for school purposes in any of the municipalities concerned, the following additional article must be acted upon similarly:

Article : To see if the municipality will vote to authorize the district to assume full responsibility for amortizing the following listed indebtedness now outstanding in the municipalities and school districts comprising the School Administrative District under consideration. (The list must include the name of the obligated municipality or school district, type of obligation, amount unpaid, interest rate and the payment schedule for all outstanding school indebtedness of all the municipalities and school districts comprising the School Administrative District under consideration.)

Existing community school districts may become School Administrative Districts on approval of the School District Commission and may suspend operation as a community school district if each of the participating municipalities acts affirmatively on an article similar in form to the following, prior to accepting the other articles required in this section:

Article : To see if the municipality will vote to authorize the Community School District, of which said municipality is a part, to suspend

operation as a community school district and organize and operate as a School Administrative District in accordance with action on the following article.

Municipalities, including all of those participating in an existing community school district, may form a School Administrative District on approval of the School District Commission and suspend the operation of the community school district if each of such participating municipalities acts affirmatively on an article similar in form to the following, and also acts affirmatively on each of the other articles required in this section.

Article : To see if the municipality will vote to authorize the suspension of the Community School District in order to organize and operate as a part of a larger School Administrative District.

In the event it is proposed to suspend the operation of a community school district pursuant to either of the immediately preceding articles, the above article with respect to the assumption of indebtedness will be modified to include the outstanding indebtedness of the community school district. The creation of any such community school district and all proceedings taken in connection with the issuance of such outstanding indebtedness are hereby ratified, validated and confirmed.

When affirmative action is taken in accordance with the preceding articles in each of the participating municipalities, said district shall, upon the date that it takes over the operation of the public schools within its jurisdiction, become eligible to the benefits of sections 237-G and 237-H and become responsible for assessing in all the participating municipalities in the new School Administrative District, collecting and paying over to the trustees of the community school district each year the funds necessary to amortize all outstanding capital outlay indebtedness existing at the time when the operation of the community school district was suspended.

Approval of each article in each municipality shall be by a majority vote of those voting in each municipality on each article.

Sec. III-G. Organization. When the residents of each of the municipalities have voted upon the formation of the proposed School Administrative District and all of the other questions submitted therewith, the clerks of each of the municipalities shall make a return to the School District Commission in such form as the commission shall determine. If the commission finds that a majority of the residents within each of the municipalities involved, voting on each of the articles or questions submitted to them, have voted in the affirmative and that all other steps in the formation of the proposed School Administrative District are in order and in conformity with law, the commission shall make a finding to that effect and record the same upon its records. The School District Commission shall further assign a number to each School Administrative District so formed in the order of their formation in the following form, "School Administrative District No. \_\_\_\_\_," which shall be the official title of the School Administrative District.

The commission shall, immediately after making its finding, issue a certificate of organization in such form as the commission shall determine. The original certificate shall be delivered to the school directors on the day that they organize and a copy of said certificate, attested by the secretary of the commission, shall be filed and recorded in the office of the Secretary of State. The issuance of such certificate by the School District Commission shall be conclusive evidence of the lawful organization of the School Administrative District. The

School Administrative District shall not be operative until the date set by the School District Commission under section III-J.

Sec. III-H. Transfer of property and assets. When the territory of a school district, community school district or a municipality falls within a School Administrative District which has been issued its certificate of organization and has assumed the management and control of the operation of the public schools within the School Administrative District, the school directors shall determine what school property and buildings owned by any school district, community school district or municipality within the School Administrative District shall be necessary to carry on the functions of the School Administrative District and shall request in writing that the trustees of any school district, community school district or the municipal officers of any municipality within the School Administrative District convey the title to such school property and buildings to said School Administrative District, and the trustees of a school district, community school district or the municipal officers of any municipality shall make such conveyance notwithstanding any other provision in the charter of said school district, community school district, municipality or other provisions of law.

Where a municipality falls within a School Administrative District which has been issued its certificate of organization and has assumed the management and control of the operation of the public schools within the School Administrative District and such municipality has entered into a lease agreement with the Maine School Building Authority under which agreement the Maine School Building Authority has constructed and leased to the municipality a school building or buildings, and the future rentals due the Maine School Building Authority from said municipality under said lease have been assumed by the School Administrative District, the School Administrative District shall, by operation of law, become the assignee of the municipality and assume all the duties and liabilities under said lease agreement which had heretofore been the responsibility of the municipality, and the Maine School Building Authority, upon the completion of all rental payments and other conditions in said lease, shall convey the title to the School Administrative District notwithstanding any provision in the lease or other provision of the law to the contrary.

Where in the formation of a School Administrative District the School Administrative District has assumed the outstanding indebtedness of any municipality, school district or community school district, the directors of the School Administrative District shall be entitled to the use of any sinking fund or any other moneys that have been set aside by the municipality, school district or community school district for the payment of any or all of the indebtedness which has been assumed by the School Administrative District notwithstanding any other provision of any act of the Legislature or any provision of any trust agreement to the contrary, provided that the school directors shall only use the money so set aside for the purpose of retiring any or all of the assumed indebtedness for which it was previously dedicated.

Any municipality within any School Administrative District that has taken over the operation of the public schools may raise and appropriate moneys and transfer the same by vote of the municipality to the School Administrative District solely for capital outlay purposes.

Any municipality within the confines of an area which has applied to the School District Commission to be approved as a School Administrative District may raise and appropriate money by proper vote of the town to be transferred to the proposed School Administrative District, if and when said district takes over the operation of the public school within its jurisdiction. Said moneys

shall be used only for capital outlay purposes. If the town shall vote to make such a transfer, it shall not have the right to rescind such vote until 9 months after said vote or until the proposed School Administrative District fails of approval either by the School District Commission or by the residents in the several towns within the proposed School Administrative District, whichever is earlier.

Sec. III-I. School directors. All of the affairs of a School Administrative District shall be managed by a Board of School Directors which shall consist of not less than 5 nor more than 18 members, the exact number to be determined at the joint meeting of the municipal officers and school committee members as described in section III-F. No municipality within any School Administrative District shall have less than one director to be elected by the municipality. The number of school directors that each municipality shall be entitled to shall be in accordance with the determination that has been previously made and voted on under section III-F.

Sec. III-J. Election of school directors. When a School Administrative District's certificate of organization has been issued by the School District Commission, the School District Commission shall notify the municipal officers of the municipalities that fall within the School Administrative District that they shall within 60 days of the date of said notice call special town meetings or special city elections for the purpose of electing the number of school directors that the municipality is entitled to have as has been previously determined under section III-F. Upon the election of the school directors, the clerks of the several municipalities within the School Administrative District shall forward the name of the directors elected for each municipality to the School District Commission with such other data with regard to their election as the School District Commission may require. Upon receipt of the names of all of the directors, the School District Commission shall set a time, place and date for the first meeting of the directors, notice thereof to be given in the same manner as set forth in section III-F, to determine the length of their terms. The terms shall be determined by lot in accordance with the following table:

Total Number of School Directors	1 Year	Term 2 Years	3 Years
5	1	2	2
6	2	2	2
7	2	2	3
8	2	3	3
9	3	3	3
10	3	3	4
11	3	4	4
12	4	4	4
13	4	4	5
14	4	5	5
15	5	5	5
16	5	5	6
17	5	6	6
18	6	6	6

The directors shall enter on their records the determination so made. They shall also elect a chairman and vice-chairman and such other officers as may be necessary, provided that prior to the election of said officers each director shall take the following oath before a dedimus justice, justice of the peace or notary public:



"I ..... do swear that I will faithfully discharge to the best of my abilities the duties encumbent on me as school director of School Administrative District No. .... according to the Constitution and laws of the State. So help me God."

The person taking such oath shall make a certificate to that effect and return it to the secretary of the School Administrative District who shall keep the same in the records of said district. When a school director is conscientiously scrupulous of taking an oath, the word "affirm" shall be used instead of "swear" and the words "this you do under the pains and penalty of perjury" instead of the words "so help me God."

At the expiration of the terms so determined the vacancy shall be filled for a term of 3 years and the school directors shall notify the municipal officers of the municipalities within the School Administrative District before the annual town meeting or before the regular city election if a city fall within the School Administrative District of the fact that a vacancy will occur so that the municipal officers in these municipalities may provide for the election of a school director or directors to fill the vacancy that will occur. All school directors shall serve until their successors are elected and qualified.

When a vacancy on the Board of School Directors occurs by reason of death, resignation or otherwise, the remaining members of the board shall fill the vacancy by electing a director from the same municipality that the prior director represented to serve until the municipality shall fill the vacancy at its next annual town meeting or next regular city election. The person so chosen shall serve until his successor is elected and qualified. In case any member of the Board of School Directors shall remove from the municipality that he represents or be absent from said municipality for more than 90 days a vacancy shall be declared to exist by the Board of School Directors and the remaining directors shall thereafter choose another director as provided.

No member of the Board of School Directors shall be employed as a teacher or in any other capacity in any public school that comes within the jurisdiction of the board of directors of which he is a member.

The school directors shall receive as compensation for the services \$5 for each board meeting that each attends. The superintendent of schools who shall serve as secretary and treasurer shall give a bond to the district in such sum and with such sureties as the directors may determine, which bond shall be deposited with the chairman. The expense of such bond shall be paid by the district. The treasurer's bond premium and fees paid members for attendance at meetings and all expenses of the district shall be paid from funds of the district by the treasurer on vouchers presented and certified by the superintendent of schools and approved by a majority of the members of the Board of School Directors or a finance committee of that board duly appointed or elected annually by that board.

Sec. 111-K. Power to borrow money. To procure funds for authorized purposes of the district, the school directors of said district are authorized to borrow funds to pay current operating expenses of the district but said loans must be repaid within one year. To procure funds for capital outlay purposes, as defined in section 237-H, the school directors of said district are authorized to issue bonds and notes of the district, not to exceed in the aggregate, at any one time outstanding, the limit of indebtedness of 12½% of the total of the last preceding state valuation of all the participating towns including all outstanding school indebtedness assumed by said district. The issuing of bonds or notes for capital outlay purposes shall first be approved by a majority of those qualified

voters of the district voting at an election called by the school directors and held as provided in section 111-T. Contracts, leases or agreements with the Maine School Building Authority shall not be debts or liabilities within the provisions of this section. Each bond or note shall have inscribed upon its face the official name of the School Administrative District and shall be dated at such time or times, shall be in such denomination, shall bear such rate of interest, not exceeding 6% per annum, payable semiannually, be in such form, subject to sections 111-A to 111-U, and be sold in such manner, at public or private sale as the school directors shall determine. Each issue of said bonds shall mature in substantially equal annual installments, so that the first installment shall be payable not later than 2 years after the date of issue and the last installment not later than 25 years from the date thereof. If the proceeds of an issue of bonds are used in whole or in part to fund temporary notes of the district or renewals thereof, the period during which such issue of bonds shall be outstanding, plus the period of the loan represented by such temporary notes or renewals thereof, shall not exceed 25 years. All notes or bonds issued by said school directors on behalf of an administrative district shall be signed by the treasurer and countersigned by the chairman of said Board of School Directors, and if coupons be issued, each coupon shall be attested by a facsimile signature of the treasurer printed thereon. Notes issued by the administrative district shall mature not later than one year from their date but may be renewed from time to time, provided the period of the original note plus that of renewals thereof shall not exceed 2 years. Said notes and bonds, and loans to pay current operating expenses, contracts, leases and agreements with the Maine School Building Authority shall be legal obligations of said district, which is declared to be a quasi-municipal corporation within the meaning of chapter 90-A, section 23, and all the provisions of said section shall be applicable thereto.

Sec. 111-L. How financed. The directors of each School Administrative District shall annually before February 1st of each year determine the sum required each year to meet the bonds falling due and what further sum is necessary to meet the interest on said bonds or other obligations, and the rentals and other charges provided in any contract, lease or agreement with the Maine School Building Authority, and all other expenses necessary for the operation of the administrative district, including temporary loans. Also before March 1st of each year, the school directors shall hold a district budget meeting. At this meeting the budget shall be thoroughly explained and the voters of the district shall be given an opportunity to be heard. A budget must be approved by the voters of the district at the district budget meeting. At the district budget meeting, only those items dealing with the expenses necessary to operate the School Administrative District shall be subject to change by the voters. If a budget for the operation of the Administrative School District is not approved prior to April 1st in any given year, the budget as submitted by the school directors for operational expenses shall be automatically considered the budget approved for operational expenses in the ensuing year, and the other amounts submitted for payment of bonds falling due and interest thereon, including temporary loans for capital purposes and rentals and other charges provided in any contract lease or agreement with the Maine School Building Authority, shall be added together and the total amount assessed as provided. The directors shall thereupon issue their warrants, in substantially the same form as the warrant of the Treasurer of State for taxes, to the assessors of each participating municipality, requiring them to assess upon the taxable polls and estates within said municipality an amount in proportion to the total sum required each year as that municipality's state valuation bears to the total state valuation of all the participating municipalities; and to commit the assessment to the constable or collector of said municipality who shall have all the authority and powers to collect said taxes as is in him vested by law to collect state, county and municipal taxes. On or before the 31st day of December of the year in which said tax is so levied, the

treasurer of each municipality shall pay the amount of the tax so assessed against the taxable polls and estates within his said municipality to the treasurer of the administrative district. In the case of the failure on the part of the treasurer of said municipality to pay said sum or any part thereof on or before said 31st day of December in the year in which said tax is levied, the treasurer of the administrative district may issue his warrant for the amount of said tax or so much thereof as shall then remain unpaid to the county sheriff requiring him to levy by distress and sale on the real and personal property of any of the residents of said administrative district living in the municipality where such default takes place and the sheriff or any of his deputies shall execute said warrant, except as otherwise provided. The same authority as is vested in county officials for the collection of county taxes under the Revised Statutes is vested in the school directors of said district in relation to the collection of taxes within such municipality. If any School Administrative District which has financed school construction through the Maine School Building Authority shall be delinquent in its payment to the authority, the Department of Education shall make payment to the authority in lieu of such School Administrative District from any amounts properly payable to such district by such department, not exceeding the amount then presently due to the authority from such district.

Sec. III-M. Application of general law. All schools operated by School Administrative Districts, when established, shall be considered the official schools of the participating municipalities and all provisions of the general law relating to public education shall apply to said schools. Special courses and other bases for allocations to municipalities because of these schools shall be paid by the State directly to the treasurer of the administrative districts.

Sec. III-N. Transportation. The superintendent of the School Administrative District, with the approval of the school directors, shall procure the conveyance of all public school pupils residing in the district a part or the whole of the distance to and from the nearest suitable school for the number of weeks for which the schools are maintained in each year when such public school pupils reside at such a distance from the school as in the judgment of the school directors shall render such conveyance necessary. In all cases, conveyance so provided shall conserve the comfort, safety and welfare of the pupils conveyed and shall be in charge of a responsible driver who shall have control over the conduct of the pupils while they are being conveyed. Contracts for said conveyance may be made for a period not to exceed 3 years. Such contracts shall be executed by the superintendent of the School Administrative District with the approval of the school directors. The expenditures for transportation shall be considered as expense of operation of said school or schools in such School Administrative Districts.

Whenever a parent or guardian having children of compulsory school age in his care domiciles such children in a location remote from and inaccessible to schools or public highways, he shall be personally responsible for the cost of boarding these children within walking distance to an established public school or for providing suitable conveyance to a public highway. Failure to so provide conveyance or board shall be considered a violation of the truancy law and punished accordingly.

Sec. III-O. Superintendents of schools of the School Administrative District. The superintendent of the School Administrative District and such other staff personnel as the school directors deem necessary shall be selected by a majority vote of the full membership of the Board of School Directors and said superintendent of schools shall have the same duties, powers and responsibilities with respect to the schools within the School Administrative District and the

Board of School Directors as are prescribed by law for public school superintendents. In addition to other duties assigned him, he shall serve as secretary and treasurer of the School Administrative District or Districts and also keep an accurate record of all meetings of the School Administrative District.

Sec. 111-P. Additions to and withdrawals from School Administrative Districts. The residents of and the territory within any municipality not originally in an administrative district may be included by proceeding as follows: The school committee of the municipality wishing to join with an existing School Administrative District may file an application with the School District Commission on a form to be prepared by the commission. The School District Commission shall receive the application, make a study of the necessity for joining this municipality with an existing School Administrative District and recommend an agreement by which the municipality may become a member. This agreement shall be forwarded to the next regular session of the Legislature or any special session. The agreement shall be approved or disapproved by the Legislature but it shall not become binding upon the existing School Administrative District until approved at a district meeting called for the purpose of passing on the agreement and in addition thereto the residents of the municipality desiring to join also approve the agreement.

When the residents of a participating municipality have indicated their desire to withdraw from a School Administrative District by a 2/3 vote of the legal voters in said municipality present and voting at a special meeting, called and held in the manner provided by law for the calling and holding of town meetings, such withdrawal may be authorized by special act of the Legislature upon such terms as shall be contained in such special act. No such withdrawal shall be permitted while such School Administrative District shall have outstanding indebtedness or shall be obligated to the Maine School Building Authority pursuant to any contract, lease or agreement.

Sec. 111-Q. Regulations. Subject to the provisions of sections 237-A to 237-H and sections 111-A to 111-U, the School District Commission during its life and thereafter the State Board of Education may make such reasonable regulations as it may find necessary for carrying out the purposes, provisions and intent of these sections.

Sec. 111-R. Operational date of the School Administrative District; teachers' and superintendents' contracts. Notwithstanding the prior issuance of a certificate of organization, a School Administrative District shall not be in operation and shall not exercise any of its powers granted until the date set by the School District Commission, as provided in section 111-J. On the date so set, the School Administrative District shall become operative and the school directors shall assume the management and control of the operation of all of the public schools within the district and the municipalities, coterminous school districts or community school districts within said district on and after said date shall have no responsibility for the operation or control of the public schools within their respective jurisdictions, provided on the date so set the balance then remaining in the school accounts of the municipalities within said School Administrative District shall become the property of the School Administrative District and shall be paid over to the treasurer of the School Administrative District in equal monthly installments not to exceed 12 in number notwithstanding the provisions of section 240. The money held by any coterminous school district or any community school district within the School Administrative District shall also be transferred to the treasurer of the School Administrative District in the same manner and with the same limitations notwithstanding any provision in any charter to the contrary.

On the date that the School Administrative District becomes operative, the contracts between the municipalities within the district and all teachers shall automatically be assigned to the School Administrative District as of the date so set and the School Administrative District shall be responsible for assigning the teacher to his duties and making payments upon said contract. Further, the contracts between the superintendents of schools and any of the municipalities within said district shall also automatically be assigned to the School Administrative District as of the date so set and the superintendents' duties with regard to the towns within the School Administrative District shall be thereafter determined by the school directors and the School Administrative District shall pay thereafter the proportionate part of superintendents' salary that the municipality or municipalities heretofore were required to pay.

Sec. 111-S. District budget meeting. When it is necessary to hold a district meeting to approve the operating school budget, the school directors shall be authorized to call such meetings as follows:

I. Each district meeting shall be called by a warrant. The warrant shall be signed by a majority of the school directors.

II. The warrant for calling the district meeting shall be as follows:

A. It shall specify the time and place of the meeting.

B. It shall set forth the proposed school budget in a manner as hereinafter provided in this section, and no other business may be acted upon.

C. It shall be directed to any resident of the School Administrative District by name ordering him to notify all voters within such district to assemble at the time and place appointed.

D. An attested copy of the warrant shall be posted by the person to whom it is directed in some conspicuous public place in each of the municipalities within the School Administrative District at least 7 days before the meeting.

E. The person who gives notice of the meeting shall make his return on the warrant stating the manner of notice in each municipality and the time when it was given.

III. The warrant shall set forth the school budget in the following form:

	School Budget for Year 19	to 19
Operating School Budget (Subsidizable)	\$.....	
Operating School Budget (Non-subsidizable)	\$.....	
Total Operating Expenditures		\$.....

Capital Budget Expenditure

Assumed Indebtedness (Principal and Interest)	\$.....
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Capital Outlay Bonds or Notes (Principal and Interest)	\$.....
Rentals to Maine School Building Authority	
(a) Assumed by District	\$.....
(b) District Leases	\$.....
Total Capital Expenditures	\$.....
Total Proposed Expenditures	\$.....

IV. The following provisions apply to the district meeting:

- A. Each person whose name appears on the district voting list may attend and vote at a district budget meeting.
- B. The secretary of the school directors shall open the meeting by call for the election of a moderator, receiving and counting votes for moderator, and swearing in the moderator.
- C. As soon as he has been elected and sworn, the moderator shall preside at the meeting.
- D. The secretary to the school directors shall record accurately all the votes of the district meeting.

V. District voting lists. The school directors shall appoint a resident of said district to make and keep a voting list of all residents in the district eligible to vote. This person shall be known as the registration clerk. The registration clerk shall compile his voting list from the voting list of all the municipalities lying within the School Administrative District. At least 14 days before any budget meeting, the registration clerk shall bring his voting list up to date by comparing his list with those voting lists found in the municipalities within the School Administrative District and by making such additions and deletions as he finds necessary. No additions or deletions shall be made in the 14-day period prior to said meeting.

Sec. III-T. District meeting. When it is necessary to hold a district meeting to approve the issuance of bonds or notes for capital outlay purposes, to approve an agreement to add another municipality or municipalities to the School Administrative District, or to approve a proposed lease agreement with the Maine School Building Authority, or to authorize the school directors to contract for the schooling of secondary pupils, the school directors shall be authorized to call such meeting as follows:

- I. Each district meeting shall be called by a warrant. The warrant shall be signed by a majority of the school directors.
- II. The warrant for calling the district meeting shall be as follows:
  - A. It shall specify that the municipal officers of the municipalities within the School Administrative District shall call a meeting or city election within 30 days of the date of the warrant.

B. It shall set forth the article or articles to be acted upon at each municipal meeting or election.

C. It shall be directed to any resident of the School Administrative District by name ordering him to notify the municipal officers of each of the municipalities within the School Administrative District to call a town meeting or city election within 30 days of the date of the warrant.

D. Service of the warrant issued by the school directors shall be made upon the town or city clerk of each of the municipalities within the School Administrative District by delivering an attested copy of the warrant in hand within 3 days of the date of the warrant.

E. The person who serves the warrant shall make a return on the warrant stating the manner of service and the time when it was given.

F. The town or city clerk so served shall immediately notify the municipal officers within his municipality of this fact and the municipal officers shall forthwith meet and issue their warrants to call town meetings or city elections and the warrants and other notices for said meetings shall be in the same manner as provided in chapter 5.

G. The voting at meetings held in towns shall be held and conducted in accordance with chapter 90-A, sections 37 to 39, even though the town has not accepted the provisions of said section 37.

H. The voting at meetings in cities shall be held and conducted in accordance with chapter 5.

III. Form of said articles:

A. When a meeting is called for the purpose of authorizing the issuance of bonds or notes for capital outlay purposes, the article to be inserted in all warrants shall be as follows:

“Shall the school directors of School Administrative District No. . . . . be authorized to issue bonds or notes in the name of said district for capital outlay purposes in an amount not to exceed \$ . . . . . ?

Yes  No ”

B. When a meeting is called for the purpose of approving the addition to the School Administrative District of a municipality or municipalities, the article shall be in the form set forth in the act of the Legislature approving the agreement.

C. When a meeting is called for the purpose of approving a proposed lease agreement with the Maine School Building Authority, the article shall be exactly as is set forth in the proposed lease agreement.

D. When a meeting is called for the purpose of authorizing the school directors to contract for the schooling of secondary pupils, the article to be inserted in all warrants shall be as follows:

“Shall the school directors of School Administrative District No. . . . . be authorized to contract in the name of the name of the district with . . . . . for the schooling of secondary (Name of Administrative Unit or Academy) pupils for a term of . . . . . years.

Yes  No

IV. Return and counting of votes.

A. The town and city clerks shall, within 24 hours of the determination of the results of the vote in their respective municipalities, certify the total number of votes cast in the affirmative and the total number of votes cast in the negative on each article to the school directors.

B. As soon as all of the results from all of the municipalities have been returned to the school directors, the directors shall meet and compute the total number of votes cast in all of the municipalities within the School Administrative District in the affirmative and the total number of votes cast in all of the municipalities within the School Administrative District in the negative on each article submitted.

C. If they determine that there were more votes cast in the affirmative than there were in the negative, on a given article, they shall so declare and find that the article has passed and enter this declaration and their computations upon their records and send certified copies of the same to each town or city clerk within the School Administrative District.

D. If the school directors determine that the total number of votes cast on any article in the affirmative is equal to or less than the total votes cast in the negative, they shall declare that the article has not passed and enter their declaration and computations on their records and send certified copies of the same to the town and city clerk of each of the municipalities within the School Administrative District.

Sec. III-U. School directors, additional duties, quorum. In addition to other duties prescribed, school directors may select an unofficial name for the School Administrative District and may elect a finance committee whose members shall all be directors, said committee to consist of 3 members. The school directors shall not transact any business at any meeting unless a majority of the total number of directors is present.’

Sec. 3. Intent. It is the intent of the Legislature that this act shall in no way affect the tenure of office of the members of the School District Commission who have been appointed under the public laws of 1957, chapter 364.

Sec. 4. R. S., c. 41, § 16, amended. The 5th sentence of section 16 of chapter 41 of the Revised Statutes, as repealed and replaced by chapter 342 of the public laws of 1957, is amended to read as follows :

‘If the damages are increased or the location changed, such ~~town~~ administrative unit shall pay the damages and costs; otherwise the costs shall be paid by the applicant.’

Sec. 5. R. S., c. 41, § 16, amended. The 2nd paragraph of section 16 of chapter 41 of the Revised Statutes, as repealed and replaced by chapter 342 of the public laws of 1957, is amended to read as follows :



'Upon final determination of the location of said lot the clerk of the ~~town~~ **administrative unit**, clerk of the county commissioners or clerk of Superior Court, whichever one has custody of the records of the final hearing tribunal, shall cause a description of the lot and a plan thereof to be recorded in the registry of deeds for the county or registry district where the same is located.'

**Sec. 6. R. S., c. 41, § 31, amended.** The first sentence of section 31 of chapter 41 of the Revised Statutes, as amended by section 12 of chapter 364 of the public laws of 1957, is further amended to read as follows:

'When the Governor and Council have reason to believe that a town or ~~districts~~ **district** has neglected to raise and expend the school money required by law, or to employ teachers certified as required by law, or to have instruction given in the subjects prescribed by law, or to provide suitable textbooks 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 law prescribing the duties of administrative units in relation to public schools, they shall direct the Treasurer of State to withhold from the apportionment of state school funds made to that administrative unit such amount as they may deem expedient.'

**Sec. 7. R. S., c. 41, § 34, amended.** Section 34 of chapter 41 of the Revised Statutes, as amended by section 14 of chapter 364 of the public laws of 1957, is further amended to read as follows:

'**Sec. 34. Certain facilities provided; schoolbooks.** Administrative units shall provide schoolbooks, apparatus and appliances for the use of pupils in the public schools, including all free high schools, at the expense of said administrative unit as provided in section ~~240~~ **237-C, subsection II**. 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 textbooks required to be used in such schools. No secondhand books shall be purchased for the use of any school, and whoever violates this provision shall forfeit not exceeding \$500, to be recovered in an action of debt by any school officer or person aggrieved.

Administrative units shall also pay for the necessary repairs of school buildings and the 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 administrative units are required by law to raise, assess and expend for the support of schools as provided in section ~~240~~ **237-C, subsection II**.'

**Sec. 8. R. S., c. 41, § 38, repealed.** Section 38 of chapter 41 of the Revised Statutes, as amended by section 17 of chapter 364 of the public laws of 1957 and as repealed by chapter 168 of the public laws of 1957, is repealed.

**Sec. 9. R. S., c. 41, § 39, repealed.** Section 39 of chapter 41 of the Revised Statutes, as amended by section 18 of chapter 364 of the public laws of 1957 and as repealed by chapter 168 of the public laws of 1957, is repealed.

**Sec. 10. R. S., c. 41, § 40, amended.** Section 40 of chapter 41 of the Revised Statutes, as amended by section 19 of chapter 364 of the public laws of 1957, is further amended to read as follows:

'**Sec. 40. Schools under direction of committee or school directors; rules and regulations.** The schools referred to in ~~sections 37 to 39, inclusive~~ **section 37**

shall be under ~~the~~ the control, direction and supervision of the superintending school committee or school directors and shall admit such persons between the ages of 6 and 21 years and shall give such courses of instruction as said committee or school directors may determine. Pupils in such schools shall be subject to the same conditions, rules and regulations as are provided for public schools.'

Sec. 11. R. S., c. 41, § 42, amended. Section 42 of chapter 41 of the Revised Statutes, as amended by section 20 of chapter 364 of the public laws of 1957, is further amended to read as follows :

'Sec. 42. **Schooling for children of parents with temporary residence; jurisdiction.** In order to facilitate the education of children whose parents find it necessary, in the pursuit of their occupations, to move from place to place and whose children reside with them in such temporary residence, it is provided that the children of such person or persons shall be under the jurisdiction of the administrative units, or the commissioner if domicile is in unorganized territory, in which the parent has temporary residence and shall be subject to the school attendance laws and to the rules and regulations of the administrative units or the Commissioner in which they with the parent have temporary residence ~~This, provided this~~ does not interfere with the free school privileges of such children in the administrative units of the permanent residence of the parent.'

Sec. 12. R. S., c. 41, § 43, amended. The last sentence of section 43 of chapter 41 of the Revised Statutes, as amended by section 21 of chapter 364 and by section 1-A of chapter 377, both of the public laws of 1957, is repealed and the following sentence enacted in place thereof :

'The commissioner is authorized to make similar provisions for the transportation of any children who reside with a parent on state owned property located in towns of less than 100 inhabitants.'

Sec. 13. R. S., c. 41, § 80, amended. The first sentence of section 80 of chapter 41 of the Revised Statutes, as amended by section 40 of chapter 364 of the public laws of 1957, is further amended to read as follows :

'The chairman and secretary of the joint committee or school directors of the school administrative district ~~provided for in other sections~~ shall, upon the election of a superintendent of schools as provided by ~~the preceding~~ sections 78 and 79, certify under oath to the commissioner, upon the forms prescribed by him, all facts relative to said union or district and employment of a superintendent.'

Sec. 14. R. S., c. 41, § 80, amended. The 4th and 5th sentences of section 80 of chapter 41 of the Revised Statutes, as amended by section 40 of chapter 364 of the public laws of 1957, are further amended to read as follows :

'The amount so paid ~~for the benefit of a single union of towns to any superintendent of schools~~ shall not exceed \$1,350 in one year nor shall any ~~school union superintendent of schools~~ receive less than \$1,150 per year. The commissioner annually shall cause an investigation to be made of the conditions of supervision in ~~unions of towns~~ supervisory units, including the relative financial support for supervision by the several supervisory units, the relative distances required to be traveled, and the relative amounts of expenses to be paid by superintendents of schools directly in connection with the supervision and administration of schools in supervisory units.'

**Sec. 15.** R. S., c. 41, § 84, amended. Section 84 of chapter 41 of the Revised Statutes, as amended by section 42 of chapter 364 of the public laws of 1957, is further amended to read as follows:

'**Sec. 84. Appropriation for salary of superintendent.** Administrative units shall appropriate for the salary of the superintendent of schools their proportion of the sum paid said superintendent to the amount certified by the joint committee to the town treasurer, and said proportion to be paid by any town shall be paid out of the appropriation made for the support or maintenance of public schools or high schools as provided under section ~~240~~ 237-C, subsection II.'

**Sec. 16.** R. S., c. 41, § 94, amended. The next to last sentence of section 94 of chapter 41 of the Revised Statutes, as amended by section 50 of chapter 364 of the public laws of 1957, is further amended to read as follows:

'Superintending school committees or school directors shall elect attendance officers at their first meeting after the annual election; they shall fill any vacancies occurring during the year and they may fix the compensation of said officers, and said compensations shall be paid from the appropriation made for the salaries of attendance officers under section ~~240~~ 237-C, subsection II.'

**Sec. 17.** R. S., c. 41, § 105, amended. The first sentence of section 105 of chapter 41 of the Revised Statutes, as amended by section 3 of chapter 142 and by section 59 of chapter 364, both of the public laws of 1957, is repealed and the following sentence enacted in place thereof:

'Any administrative unit which does not maintain a free high school of standard grade may authorize its superintending school committee to contract for one to 5 years with and pay the superintending school committee or school directors of any nearby administrative unit, or the trustees of any academy located within such town or in any nearby town or towns, for the schooling of all or part of the pupils within said administrative unit in the studies contemplated by section 98.'

**Sec. 18.** R. S., c. 41, § 105, amended. The last sentence of section 105 of chapter 41 of the Revised Statutes, as amended by section 59 of chapter 364 of the public laws of 1957, is further amended to read as follows:

'When an administrative unit 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 1st, 1907, the tuition liability of said administrative unit shall be the same as if a free high school were maintained in accordance with section 98, and the expenditure of any administrative unit 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 administrative unit under the provisions of section ~~237~~ 237-E.'

**Sec. 19.** R. S., c. 41, § 107, amended. The next to the last paragraph of section 107 of chapter 41 of the Revised Statutes, as amended by section 61 of chapter 364 and by section 1 of chapter 377, both of the public laws of 1957, is repealed and the following enacted in place thereof:

'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 administrative unit not maintain-

ing a standard grade high 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 administrative unit wherein said pupil resides shall pay an amount for this purpose toward his board not to exceed \$353 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 one school month and shall be charged to the same account as that of secondary school tuition.'

Sec. 20. R. S., c. 41, § 107, amended. The last paragraph of section 107 of chapter 41 of the Revised Statutes, as enacted by chapter 252 of the public laws of 1955, is amended to read as follows:

'Notwithstanding the foregoing, the Town of Cumberland may pay the tuition, and in addition, conveyance or board subject to the regulations of the superintending school committee, of any student whose parent or guardian resides on Chebeague Island, for attendance at any approved secondary school. These expenditures shall be subject to state subsidy under section ~~237~~ 237-E.'

Sec. 21. R. S., c. 41, § 108, amended. The last sentence of the last paragraph of section 108 of chapter 41 of the Revised Statutes, as amended by section 62 of chapter 364 and by section 2 of chapter 377, both of the public laws of 1957, is hereby repealed and the following enacted in place thereof:

'Upon the approval of said return, the commissioner shall apportion to such administrative unit a sum equal to  $\frac{1}{2}$  the amount thus paid by such administrative unit.'

Sec. 22. R. S., c. 41, § 129, amended. Section 129 of chapter 41 of the Revised Statutes is amended to read as follows:

'Sec. 129. Forfeiture of tuition payments. Academies which have not complied with the provisions of sections 125, 127 or 128 before the first day of September of each year shall not be eligible to receive tuition payments from municipalities receiving state subsidy under the provisions of section ~~237~~ 237-E.'

Sec. 23. R. S., c. 41, § 147, amended. The last sentence of section 147 of chapter 41 of the Revised Statutes, as amended by section 70 of chapter 364 of the public laws of 1957, is further amended to read as follows:

'On a day in each week, to be fixed by the school committee or school directors, it may excuse such pupils for at least one hour for the purpose of attending their respective places of worship, or some other suitable place, there to receive moral instruction in accordance with the religious faith of said pupils.'

Sec. 24. R. S., c. 41, § 159, amended. The last sentence of section 159 of chapter 41 of the Revised Statutes is amended to read as follows:

'Within the meaning of sections ~~157~~ 159 to 183, unorganized territory shall include all territory not a part of any city, town or plantation municipality, and an unorganized unit shall be any unorganized township, gore, strip, tract, surplus, point, patent, peninsula, island, deorganized town or plantation or any other distinct and separate portion of unorganized state territory.'

Sec. 25. R. S., c. 41, § 207-J, amended. Section 207-J of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 368 of the public laws of 1957, is amended to read as follows:

'Sec. 207-J. Teachers for mentally retarded children. Any ~~municipality~~ administrative unit may, in addition to the sum raised for the support of public schools, raise and appropriate money for the education of teachers to meet the educational needs of mentally retarded children. Such appropriation shall be expended on a matching basis with any funds made available by the Department of Education for the same purpose.'

Sec. 26. R. S., c. 41, § 218-A, repealed and replaced. Section 218-A of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 475 of the public laws of 1955, and as amended by section 1 of chapter 142 and section 89 of chapter 364, both of the public laws of 1957, is repealed and the following enacted in place thereof:

'Sec. 218-A. Purpose. The purpose of sections 218-A and 218-B is to develop the knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles, through classroom instruction and behind the wheel driving and observation in a dual control automobile, by encouraging superintending school committees or school directors of the several administrative units of the State to make provision for this instruction in all the public secondary schools and academies receiving tuition students as described in section 107.'

Sec. 27. R. S., c. 41, § 218-B, repealed and replaced. Section 218-B of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 475 of the public laws of 1955, and as amended by section 2 of chapter 142 and by section 90 of chapter 364, both of the public laws of 1957, is repealed and the following enacted in place thereof:

'Sec. 218-B. Educational aid. The commissioner, with the approval of the state board, shall employ necessary personnel, subject to the terms of the Personnel Law, and establish rules and regulations to carry out the provisions of sections 218-A and 218-B, including the following:

I. Salaries and traveling expenses for a State Director of Driver Education, clerical assistance and supplementary teaching aids essential to the program;

II. Special subsidies shall be paid in September to the administrative units for all courses in driver education according to the following plan: \$10 for each pupil satisfactorily completing the driver education course during the preceding school year. Such driver education course shall meet the approval of the commissioner in regard to teacher qualifications, limitations as to the number of pupils and the course of study offered.'

Sec. 28. R. S., c. 41, § 218-C, amended. Section 218-C of chapter 41 of the Revised Statutes, as enacted by chapter 301 of the public laws of 1957, is hereby amended to read as follows:

'Sec. 218-C. Motor vehicle authorized. Notwithstanding the provisions of section 30 43 of chapter 46 15-A, the Department of Education shall be permitted to purchase a motor vehicle to be used principally in carrying out the purposes of sections 218-A and 218-B.'

Sec. 29. R. S., c. 41, § 221, repealed and replaced. Section 221 of chapter 41 of the Revised Statutes, as amended by section 3 of chapter 24 and by section 91

of chapter 364, both of the public laws of 1957, is repealed and the following enacted in place thereof:

'Sec. 221. Administration. The superintending school committee or school directors of any administrative unit may establish, maintain, operate and expand a school-lunch and special milk program for the pupils in any school building under its jurisdiction, may make all contracts necessary to provide material, personnel and equipment necessary to carry out the provisions of the National School Lunch Act and the Special Milk Program for Children legislation, and may use therefor funds disbursed to them under the provisions of sections 219 to 222 gifts and other moneys received from sale of school lunches and milk under these programs. The commissioner may give technical advice and assistance to any school committee or Board of School Directors in connection with the establishment and operation of any school-lunch and milk program and may assist in training personnel engaged in the operation of any school-lunch program.'

Sec. 30. R. S., c. 41, § 228, repealed. Section 228 of chapter 41 of the Revised Statutes, as repealed by section 2 of chapter 182 of the private and special laws of 1957, is repealed.

Sec. 31. R. S., c. 41, § 237-A, repealed. Section 237-A of chapter 41 of the Revised Statutes, as enacted by chapter 350 of the public laws of 1957, is repealed.

Sec. 32. R. S., c. 41, § 237-I, additional. Chapter 41 of the Revised Statutes is amended by adding thereto a new section, to be numbered 237-I, to read as follows:

#### 'Children at Private Tax-exempt Institutions.

Sec. 237-I. Children resident at private tax-exempt institutions. Any child between the ages of 5 and 21 who resides at a private tax-exempt institution within this State shall have the right to attend the public schools in the administrative unit in which such institution is located under the same conditions as pupils residing in such administrative unit, and shall for the purposes of this section be classed as resident pupils, except that if the number of such children in any administrative unit shall exceed 10% of the total public school enrollment in such administrative unit, the administrative unit shall be paid from the appropriation for general-purpose aid the net local cost of educating such children at each elementary or secondary school attended by them. The net local cost of educating such children shall include only those school operating expenses paid by the administrative unit on account of such children enumerated in section 237-C, subsection II, and shall be computed for each school on the basis of financial reports and school enrollment figures required by and filed with the Commissioner of Education during each school year ending June 30th. Payments shall be made to each administrative unit annually during the month of December following the end of the school year.'

Sec. 33. R. S., c. 41, § 242, amended. The last 3 sentences of section 242 of chapter 41 of the Revised Statutes, as enacted by chapter 300 of the public laws of 1957, are amended to read as follows:

'~~A municipality or community school district~~ An administrative unit obligated to make payments to the Maine School Building Authority on December 1st of any given year may apply in writing through its municipal officers or its board

of trustees or school directors to the Commissioner of Education setting forth the amount due, the date due, and the name of the trustee of the Maine School Building Authority and their statement that they desire that the amount thus specified be paid out of moneys apportioned to ~~municipalities or community school districts~~ administrative units be paid directly to the trustee therein designated prior to the due date. If the commissioner and the Treasurer of the State approve the request, the amount therein specified shall be paid directly to the trustee named prior to the due date, notwithstanding any other limitations contained in this section. Requests for such direct payment shall be made during the year in which such payment is due on or after September 15th but no later than November 1st.'

**Sec. 34. R. S., c. 41, § 248, sub-§ V, amended.** Subsection V of section 248 of chapter 41 of the Revised Statutes, as amended by section 101 of chapter 364 of the public laws of 1957, is further amended to read as follows:

'**V.** To construct or acquire, extend, enlarge, repair or improve school projects at such locations within the State as may be determined by the Authority, when the superintending school committee of any town or the community school committee of a community school district or the school directors of any School Administrative District has certified the need therefor to the municipal officers of such town or the trustees of such community school district or to the authority, **respectively**, together with their recommendation for the procurement of new, additional or different public school buildings, and such recommendation has been approved by such municipal officers or trustees ~~or by the Board or authority, respectively, and by the State Board of Education;~~

**Sec. 35. R. S., c. 41, § 249, amended.** The first sentence of the 2nd paragraph of section 249 of chapter 41 of the Revised Statutes, as amended by section 103 of chapter 364 of the public laws of 1957, is further amended to read as follows:

'No contract, lease or agreement between an administrative unit and the authority shall be valid unless first approved by the vote of a majority of the ~~inhabitants~~ residents of ~~such~~ a town, or of each town involved in the case of a community school district ~~or school administrative district~~ voting on this question, **or by the residents of a School Administrative District in the manner provided in section III-T.**

**Sec. 36. R. S., c. 63-A, § 1, amended.** The 15th paragraph of section 1 of chapter 63-A of the Revised Statutes, as enacted by section 1 of chapter 417 of the public laws of 1955 and amended by chapter 348 of the public laws of 1957, is further amended to read as follows:

'"Public school" shall mean any public school conducted within the State under the authority and supervision of a duly elected board of education, ~~or~~ superintending school committee ~~or school directors~~ and any school which received any direct state aid in 1950, and municipal tuition funds amounting to at least the amount of such state aid, during the same year.'

**Sec. 37. R. S., c. 107, § 4, sub-§ XIII, amended.** Subsection XIII of section 4 of chapter 107 of the Revised Statutes is amended to read as follows:

'**XIII.** When counties, cities, towns, school districts, **School Administrative Districts**, village or other public corporations, for a purpose not authorized by law, vote to pledge their credit or to raise money by taxation or to exempt property therefrom or to pay money from their treasury, or if any of their

officers or agents attempt to pay out such money for such purpose, the court shall have equity jurisdiction on petition or application of not less than 10 taxable inhabitants thereof, briefly setting forth the cause of complaint.'

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

Effective January 16, 1958

## Chapter 444

### AN ACT Closing Certain Fishways and Waters Near Hatcheries and Feeding Stations to Fishing.

**Emergency preamble.** Whereas, under the laws of Maine fishing is permitted at dams without fishways; and

Whereas, fishways have been installed in certain dams in the State and will be in operation for the first time this year; and

Whereas, fishing within 150 feet of any dam in which a fishway is located is prohibited; and

Whereas, the following legislation is vitally necessary to prevent unjust hardship on fishermen, both resident and nonresident; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**R. S., c. 37, § 42, amended.** Section 42 of chapter 37 of the Revised Statutes, as revised, is amended to read as follows:

'Sec. 42. Closing fishways and waters near hatcheries and feeding stations to fishing. No person shall fish within 150 feet of any dam in which a fishway is located. Except at Upper Dam in Richardsontown (T4 R1) at the outlet of Mooselookmeguntic Lake in Oxford County, at Middle Dam in T C at the outlet of Lower Richardson Lake in Oxford County and at East Outlet Dam in Sapling (T1 R7) in Somerset County and in Big Squaw Mountain in Piscataquis County at the outlet of Moosehead Lake, the fishway and the area within 50 feet of any part of these fishways shall be closed to fishing at all times. This section shall not include the taking of alewives and smelts in the manner provided under the laws regulating sea and shore fisheries.

All pools, beginning at a point 200 feet above and running to a point 200 feet below all state fish hatcheries and feeding stations, shall be closed to all fishing at all times.'

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

Effective May 8, 1958