

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

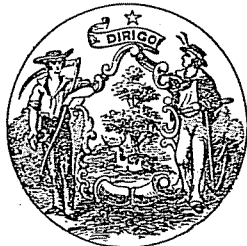
PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED
THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY BAILEY & NOYES.

CHAP. 11.

TITLE TWO.

Provisions respecting education, religious instruction, public health, convenience, support of the poor, and police.

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DUTIES OF TOWNS.

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R. S. c. 11, § 1.
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See §§ 16, 35, 40.
R. S. c. 11, § 2.

SEC. 1. A town at its annual meeting, or at a meeting called for that purpose, may determine the number and limits of the school districts therein, but they shall not be altered, discontinued or annexed to others except on the written recommendation of the municipal officers and superintending school committee, accompanied by a statement of facts, and on conditions proper to preserve the rights and obligations of the inhabitants. (a)

Remote portions of town may be omitted in districting.
Sec § 54, item 9.
A town may abolish its school districts, &c.
1870, c. 146 § 2.

SEC. 2. Any portion of a town too remote to be annexed to existing districts, and not having sufficient population to form a separate district may be omitted in districting the town.

SEC. 3. A town may abolish the school districts therein, and shall thereupon forthwith take possession of all the school houses, land, apparatus and other property owned and used for school purposes, which districts might lawfully sell and convey. The property so taken shall be appraised under the direction of the town, and at the next annual assessment thereafter a tax shall be levied upon the whole town equal to the whole amount of said appraisal; and there shall be remitted to the tax payers of each district, the said appraised value of its property thus taken, or the difference in the value of the property of the several districts, may be adjusted in any other manner agreed upon by the parties in interest. Upon the abolition or discontinuance of any district, its corporate powers and liabilities shall continue and remain, so far as may be necessary for the enforcement of its rights and duties.

Towns may choose agents. Vacancies how filled
R. S. c. 11, § 4.
See §§ 23, 60 to 62, c. 3, §§ 12, 18.

SEC. 4. A town, at its annual meeting, may choose its school agents; and vacancies may be filled as in case of other town officers not chosen by ballot. (b)

Towns to raise for school purposes not less than \$1. per inhabitant.
1868, c. 196, § 1.
See §§ 25, 31, 91, 92; c. 5, §§ 15, 16; c. 12, § 46.

SEC. 5. Every city, town and plantation shall raise and expend, annually, for the support of schools therein, a sum of money, exclusive of the income of any corporate school fund, or of any grant from the revenue or funds from the state, or of any voluntary donation, devise or bequest, or of any forfeiture accruing to the use of schools, not less than one dollar for each inhabitant, according to the census of the state, by which representatives to the legislature were last

(a) 31 Me. 272; 22 Me. 564; 17 Me. 100; 49 Me. 346; 48 Me. 568; 21 Me. 272; 7 Pick. 100; 7 Gray 244; 7 Met. 218.

(b) 35 Me. 393; 26 Me. 56. By the Act 1870, c. 85, the power of employing teachers is vested in the Superintending School Committee. See § 54, item 1st.

apportioned, under penalty of forfeiting not less than twice, nor more than four times the amount of its deficiency; and no town which neglects to raise the amount of money required to be raised by this section, shall, during the year in which such neglect occurs, receive any part of the state school fund, required to be apportioned to the several towns by the treasurer of state; *provided however*, that all plantations shall be entitled to receive their part of the state school fund, when the inhabitants of such plantation shall have paid their part of all state and county taxes, and not otherwise.

SEC. 6. Towns, cities and plantations, may raise money to provide school books for the use of the pupils in their public schools, at the expense of said town, city or plantation, or to furnish them at cost to the pupils; and all money raised and appropriated for that purpose, shall be assessed in the same manner as other moneys raised for lawful purposes are assessed.

SEC. 7. The assessors and superintending school committees, or supervisors of towns, cities and plantations, shall have the power and may annually apportion ten per cent. of all the money required to be raised by the fifth section among the districts in their several towns, cities and plantations, in such manner as in their judgment shall give to the smaller districts as nearly as may be an equal opportunity of enjoying the benefits of common school education with the larger districts.

SEC. 8. When any school agent fails to return in the month of April, the number of persons in his district between four and twenty-one years of age, exclusive of those coming from other places to which they belong, to attend a college or academy, or work in a factory therein, the assessors of the town shall cause an enumeration thereof to be made. They shall annually apportion to each district, and to any inhabitants not embraced in a district, the money so raised; and all funds derived from any source for the support of public schools in their town, in proportion to the number of scholars aforesaid.

SEC. 9. A town raising more money than is required by section five, may, by vote, direct the excess to be apportioned to the several districts as the assessors and superintending school committee determine.

SEC. 10. Every town shall choose by ballot at its annual meeting, a superintending school committee of three, unless already done, to hold office as provided in section fifty-three, and shall fill vacancies arising therein at each subsequent annual meeting, or shall, in the same manner, choose a supervisor of schools, who shall have the power and perform the duties which are now, or may hereafter be required of the committee aforesaid; and his election shall terminate the office of any and all existing members of such committee.

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Penalties.

School fund when withheld.
1865, c. 304, § 2.

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Towns may provide school books, &c.
1870, c. 168, § 1.Division of moneys among small districts.
1860, c. 68, § 1.Duties of assessors when agent fails to return scholars.
See §§ 56, 60, item 5, § 61.Their duty in apportioning money.
R. S. c. 11, § 7.Excess of money raised, how appropriated.
R. S. c. 11, § 7.Towns to choose superintending school committee or supervisor.
R. S. c. 11, § 8.
1870, c. 105, § 1.

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School committees may appoint one of their number to perform certain duties. 1862, c. 103, § 1.

Penalty for towns failing to choose committee or supervisor. R. S. c. 11, § 11. 1870, c. 159, § 2.

Towns to make by-laws concerning truants.

Penalty for breach thereof. R. S. c. 11, § 12. 1861, c. 5, § 1.

Shall appoint persons to make complaint of violation of by-laws. R. S. c. 11, § 13. 1861, c. 5, § 1.

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School districts declared corporations. Executions against them how satisfied. R. S. c. 11, § 15.

22 Me. 564.
17 Me. 100.
46 Me. 206.
35 Me. 393.
51 Me. 101.
39 Me. 183.
23 Me. 543.
22 Me. 564.
38 Me. 32.

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Notice of meetings, how to be given.

R. S. c. 11, § 17. 1861, c. 55, § 1.

Return of proper officer evidence of

SEC. 11. The superintending school committee may appoint one of their number, who shall have all the power and perform all the duties specified in the fifth and twelfth items of the fifty-fourth section.

SEC. 12. Any town failing to elect members of superintending school committee or supervisor, as required by law, shall forfeit not less than thirty nor more than two hundred dollars.

SEC. 13. Towns may make such by-laws, not repugnant to the laws of the state, concerning habitual truants, and children between six and seventeen years of age not attending school, without any regular and lawful occupation, and growing up in ignorance, as are most conducive to their welfare and the good order of society; and may annex a suitable penalty, not exceeding twenty dollars, for any breach thereof; but said by-laws must be first approved by a judge of the supreme judicial court.

SEC. 14. Such towns shall appoint at their annual meeting, one or more persons, who alone shall make complaints for violations of said by-laws to the magistrate having jurisdiction thereof by said by-laws, and execute his judgments.

SEC. 15. Said magistrate, in place of the fine aforesaid, may order children proved to be growing up in truancy, and without the benefit of the education provided for them by law, to be placed for such periods of time as he thinks expedient, in the institution of instruction, house of reformation, or other suitable situation provided for the purpose under the authority conferred by section thirteen.

POWERS AND OBLIGATIONS OF SCHOOL DISTRICTS.

SEC. 16. School districts, whether a part of one or more towns, that have exercised the privileges of a district for one year, shall be presumed to be legally organized; and all districts legally organized shall be corporations with power to hold and apply real and personal estate for the support of schools therein, and to sue and be sued. Executions against them may be satisfied as executions against towns are; and in all suits or business, they may be described by their numbers as fixed by the town, by the name which they have assumed, or if they have no certain name, by an appropriate general description.

SEC. 17. Any person, qualified to vote in town affairs, shall be a legal voter in his school district.

SEC. 18. School district meetings may be called by the agent, on the written application of three or more legal voters, stating the reasons and objects thereof. When there is no agent, or when he neglects or refuses, they may be called by the municipal officers, or any justice of the peace, on like application.

SEC. 19. On receiving such application, the agent or municipal officers, or justice of the peace, as the case may be, shall cause notices

specifying the time, place, and purposes of the meeting, seven days before the time appointed, to be posted up in two or more public places in the district, one of which must be on the school-house, if there is any, or published in a newspaper, if any, printed in the town. The certificate of such agent or municipal officers, justice of the peace, or of any person required by their warrant to give notice, returned at the time and place of meeting, shall be evidence of the notice therein stated to have been given. (a)

SEC. 20. Meetings of any school district in this state which prior to the twentieth day of March, eighteen hundred and sixty, were duly called by the selectmen of any town, or by the agent or agents of such district, without an application in writing, signed by any number of the legal voters thereof, and stating the reasons and objects of such meeting, are hereby declared as legal and valid as they would have been if called upon such application.

SEC. 21. The district, at a legal meeting, may determine the manner of notifying its future meetings. (b)

SEC. 22. At such meeting, a moderator shall be chosen, and have the same powers and duties as a moderator of a town meeting, but need not be sworn; and at the first meeting every year, a clerk shall be chosen, be duly sworn by the moderator or a justice of the peace, record all votes passed at district meetings during the year, and until another is chosen in his place and sworn, may certify copies from the records of such district, and correct any errors, as provided in section eight of chapter three.

SEC. 23. Every school district at its annual meeting, shall choose a school agent by ballot, unless chosen by the town; and may fill a vacancy in that office at a meeting called for that purpose.

SEC. 24. A school district at any legal meeting called for the purpose, shall have power:

First—To raise money for erecting, repairing, renting, purchasing and removing such school-houses and out-buildings as the wants of the district require; for purchasing or renting land for them to stand upon, and for yards and play grounds; for purchasing a library, utensils, black-boards, globes, maps and other useful apparatus; for providing water for school-houses by means of wells or aqueducts, with necessary conveniences for the health and comfort of teacher and pupils; and for enclosing the grounds and appurtenances of the school-houses.

Second—To determine where their school-houses shall be located.

Third—To sell and dispose of any school-house or other property, if necessary.

Fourth—To determine at what age the youth therein may be admitted into the schools kept by a master or mistress, and whether,

(a) 44 Me. 374. The annual meeting in March or April, may be called by the agent without application. See § 60, item 1. 51 Me. 101; 38 Me. 164; 28 Me. 193; 20 Me. 439; 4 Me. 44.

(b) 4 Me. 44; 2 Cush. 419.

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R. S. c. 11, § 18.
1861, c. 55, § 1.

Meetings of
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1860, c. 189, § 1.

Districts may
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R. S. c. 11, § 19.
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be chosen.
R. S. c. 11, § 20.
See c. 3, § 17.
Clerk to be
chosen and
sworn.
44 Me. 374.
4 Me. 44.
38 Me. 164.
28 Me. 193.
38 Me. 164.
39 Me. 556.

Districts shall
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R. S. c. 11, § 21.
See §§ 43, 60, 61,
62.

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R. S. c. 11, § 22.

May raise
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See §§ 39, 44 to
51, 60, item 2.
41 Me. 246.
33 Me. 170.
24 Me. 349.
7 Me. 118.
38 Me. 164, 32.
22 Me. 564.

Locate school
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39 Me. 556, 558.
Dispose of
same.
22 Me. 564.

Regulate ad-
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1870, c. 159, § 3.

CHAP. 11. and upon what terms, scholars may be admitted into their schools from other towns or places.

Instruct superintending school committee or supervisor.

1870, c. 151, § 1.

Districts having graded schools may raise money. 1865, c. 304, § 6. See § 5.

May choose committee to superintend money affairs. R. S. c. 11, § 23.

Minority dissatisfied, may appeal to town. R. S. c. 11, § 24. 39 Me. 183.

Proceedings in such cases.

When the erection, repairing, renting or purchasing of a school-house may be ordered and completed by the town.

1867, c. 132, § 1.

Fifth—To instruct the superintending school committee or supervisor at what time the schools shall commence, if they find it practicable.

Sixth—To allow the school-house to be used for meetings of religious worship, lectures and other similar purposes.

SEC. 25. Any school district maintaining graded schools, may raise for the support of schools therein a sum of money not exceeding that which it receives from the town in addition thereto.

SEC. 26. A district may choose a committee to superintend the expenditure of money legally raised by it, to examine and allow accounts, and to draw orders on the town treasurer for the amount of money raised. (a)

SEC. 27. When at a meeting of a school district legally called for raising money for any particular purpose, a majority of the legal voters present are opposed to raising a sum sufficient, in the opinion of the minority, for such purpose, the municipal officers, on written application of five or more voters, made within thirty days after such meeting, shall insert in their warrant for calling the next town meeting on town affairs, an article requiring the opinion of the town on the disagreement; and if the town thinks it necessary or expedient, they may require a sum sufficient for such purpose, if exceeding what the district was willing to raise, to be assessed on the polls and estates therein; and it shall be assessed, collected and paid over, as if originally raised by the district; and thereupon the municipal officers shall appoint, in writing, three suitable inhabitants of said district, a committee to superintend the expenditure of the money for such purpose, and they shall have all the powers of a committee chosen by the district, in pursuance of the provisions hereof.

SEC. 28. When in the opinion of the superintending school committee, any school district in their town unreasonably neglects or refuses to raise money for erecting, repairing, renting or purchasing a school-house or school-houses and out-buildings, such as the wants of the district require, or for purchasing or renting land for them to stand upon and for yards and play grounds, the municipal officers, upon the written application of the superintending school committee, shall insert in their warrant for calling the next town meeting for town affairs, an article to see if the town will vote to raise money in such school district for the purposes above named. And any sum or sums of money so voted to be raised shall be assessed upon the polls and estates therein and collected and paid over as if originally raised by the district. And thereupon the municipal officers shall appoint three suitable

(a) 33 Me. 164; 17 Me. 316; 39 Me. 220; 12 Me. 293; 7 Me. 118; 28 Me. 193.

ble inhabitants of the town a committee to superintend the expenditure of the money for such purpose, and they shall have all the powers of a committee chosen by the district pursuant to law.

SEC. 29. In school districts not having any legal voters to transact district business, money may be raised and expended in the manner and for the purposes specified in the foregoing section.

SEC. 30. Two or more districts, by vote at their district meetings, may unite to support a union school for the more advanced scholars, and appropriate therefor a portion of the school money assigned to each district. But if more than one-fourth of the voters present and voting at any meeting, object, only the per capita share of the scholars attending such union school, shall be so appropriated, without the written assent of the superintending school committee.

SEC. 31. Two or more school districts may unite for the purpose of establishing and maintaining a system of graded free schools, when a majority of the voters present and voting at a meeting of each district, legally called for the purpose, so determines; and the clerk of each district shall forthwith furnish the town clerk with a certified copy of such votes, and he shall enter said votes upon the town records; and thereafter such districts shall constitute one district, to be known by the name that the inhabitants thereof adopt; and have all the rights and powers, and be subject to all the liabilities of other school districts; and the town shall not alter or divide it, without the consent of a majority of its voters; and at its annual meeting, it may raise money for the support of its schools, in addition to what it receives from the town, and not exceeding three-fifths of that sum. And any school district maintaining graded schools may raise money for the support of its schools as provided in this section for districts composed of two or more districts.

SEC. 32. At any district meeting called for the purpose of removing a school-house, or locating one to be erected, if more than one-third of the voters present and voting, object thereto, the clerk shall make a record of the fact; and the municipal officers, on written application of any three or more of said voters, or any committee of the district, made within thirty days thereafterwards, shall, as soon as may be, appoint a time and place in the district to hear the parties, and give such notice as is required for a district meeting; and after such hearing, they may decide where the school-house shall be placed; and shall, within ten days, give a certificate of their determination to the clerk of the district, who shall forthwith enter it on his records; and the district shall proceed to erect, or remove the school-house, as if determined by a sufficient majority of the voters present at said meeting; but no such officer residing in the district, shall have any voice in such determination; and when a majority of them reside

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Money how raised and expended, in districts having no voters.
1867, c. 132, § 2.
See § 62.

Districts may unite for support of union school.
R. S. c. 11, § 25.
Provision if one-fourth object.

Same for maintaining graded schools.
R. S. c. 11, § 26.
See §§ 5, 25.

Proceedings in such cases.
35 Me. 393.
46 Me. 206.

Districts maintaining schools may raise money.
1861, c. 55, § 2.

Location of school-houses, how determined, in case of disagreement.
R. S. c. 11, § 27.
See § 41.

Proceedings.

CHAP. 11. therein, or do not agree, the superintending school committee shall do all the duties herein required of the municipal officers; and if the district refuses or neglects for sixty days, to carry into effect such determination, the municipal officers or superintending school committee, at the expense of the district, shall, if need be, purchase a lot for said house, and cause it to be erected or removed thereon.

Lot may be taken for erection of school house, without consent of owner, when sale is unreasonably refused.
1868, c. 172, § 1.
1862, c. 103, § 2.
52 Me. 144.
Proceedings.
See § 41.

Cities allowed to take land for school-houses and play grounds.
1869, c. 69, § 1.

Owners aggrieved, issue may be tried by jury.
R. S. c. 11, § 29.
See § 41.

Plan to be approved by superintending school committee.
R. S. c. 11, § 30.
Districts may determine what proportion for summer schools.
R. S. c. 11, § 31.
1870, c. 159, § 4.
May direct what scholars shall attend school of master and mistress.
R. S. c. 11, § 32.

SEC. 33. When a location for the erection or removal of a school-house and necessary buildings has been legally designated, and the owner thereof refuses to sell, or asks an unreasonable price for it, in the opinion of the municipal officers, or resides without the limits of this state, and has no authorized agent or attorney within the same, they may lay out a school-house lot, not exceeding forty square rods, and appraise the damages, as is provided for laying out town ways and appraising damages therefor; and on payment or tender of such damages, or if such owner shall not reside within this state, upon depositing such damages in the treasury of such town or district for his use, the town or district designating it may take such lot to be held and used for the purposes aforesaid; and when such school-house as is required of the town or district has ceased to be thereon for two years, it shall revert to the owner, his heirs or assigns. And any incorporated city may take real estate for the enlargement or extension of any location designated for the erection or removal of a school-house and necessary buildings, and for necessary play grounds, as herein provided; but no real estate shall be so taken within thirty feet of a dwelling house.

SEC. 34. If the owner is aggrieved at the location of the lot, or the damages awarded, he may within one year thereafter, apply to the county commissioners, and have the matter tried by a jury, who may change the location and assess the damages, and the proceedings shall be conducted as in case of damages for laying out highways. If the damages are increased, or the location changed, such town or district shall pay the damages and costs, otherwise the costs shall be paid by the applicant.

SEC. 35. A plan for the erection or reconstruction of a school-house voted by a district, shall first be approved by the superintending school committee.

SEC. 36. A school district, at a legal meeting, may determine what proportion of their school money shall be expended for the support of a summer school; and the superintending school committee or supervisor shall expend it accordingly, if practicable.

SEC. 37. When the school is kept in part by a mistress, and in part by a master, the district may determine by vote, or authorize the superintending school committee to determine, from time to time, what description of scholars shall attend each.

SEC. 38. Each district, where more than one school is kept at the same time, may choose annually, or one-third in each year, a committee to determine what description of scholars shall attend each school, to classify said scholars and to transfer them from school to school; and unless such election is for one year only, at their first meeting, they shall determine their respective terms of office by lot, and certify the result to the district clerk; they or the district shall fill vacancies as they occur; and they shall transmit a copy of their annual report, if printed, to the superintendent of common schools.

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Districts may choose committee to classify scholars.
R. S. c. 11, § 33.
See § 54, item 11.

SEC. 39. A district may appropriate not exceeding one-tenth of its school money for any year, to purchase a school library and apparatus for the use of the schools therein, and make proper rules for the preservation and management thereof. Adjacent districts may, by vote of each, unite for the purpose aforesaid.

Districts may purchase library.
R. S. c. 11, § 34.
See § 60, item 2.

SCHOOL DISTRICTS FORMED FROM TWO OR MORE TOWNS.

SEC. 40. Two or more adjoining towns may concur in establishing school districts from parts of each when convenient, in determining their limits, and in altering and discontinuing them; and they and their officers, except as herein otherwise provided, may exercise the powers and duties relating thereto, that a town may relating to its own districts. If such district has existed fifteen years, either town may disconnect its part, without the concurrence of the others, by leaving all the district property to what remains.

Two or more towns may concur in establishing districts.
R. S. c. 11, § 35.
See § 1.

SEC. 41. The superintending school committee, municipal officers, assessors, treasurer, collector, and constables of the town where the school-house of such district is situated, or has been located, or where the school is kept; or if there is no such school-house or school, said officers of the oldest town from which a part of such district is taken, shall have all the powers and perform all the duties relating to it, that they have and perform relating to districts wholly in their own town; and such assessors shall assess all taxes, voted by such district, according to a valuation made by them, uniform throughout the district. The powers specified in section thirty-two, may be exercised in such district by the concurrent votes of said towns, or the joint acts of the municipal officers or superintending school committees thereof, and application shall be made to each of them accordingly. The provisions of sections thirty-three and thirty-four shall also apply to such districts.

How such districts shall be superintended.
R. S. c. 11, § 36.

SEC. 42. The assessors of each town from which a part of such district is taken, shall annually apportion to it a share of the school money of their town, according to the number of scholars in such districts living in their town.

Assessors to apportion money to such districts.
R. S. c. 11, § 37.

SEC. 43. Such district shall annually choose its agent, and his contract shall bind each town in proportion to and not exceeding the

Such district shall choose

CHAP. 11.

its agent.
R. S. c. 11, § 38.
Sec §§ 4, 23.

Powers of its
officers.

How money
raised by dis-
tricts shall be
assessed.
1869, c. 42, § 1.

District taxes
assessed with-
out authority.
1869, c. 38.

Powers and
duties of col-
lectors; their
compensation.
R. S. c. 11, § 40.
31 Me. 271.
41 Me. 246.

Money at dis-
posal of dis-
trict commit-
tee.
R. S. c. 11, § 41.
District may
borrow money
to build school
house.
R. S. c. 11,
§ 42.

District may
appoint agent
to contract
loan.
R. S. c. 11, § 43.

amount which it is required to pay him as aforesaid; and all agents and officers thereof shall have the same powers and privileges and perform the same duties as in districts wholly in one town.

ASSESSMENT AND COLLECTION OF MONEY RAISED OR BORROWED BY DISTRICTS.

SEC. 44. When a district votes to raise money for any legal purpose, its clerk shall forthwith, or within the time prescribed by the district, certify the amount thereof to the assessors of the town, and the time when raised; and within thirty days after receiving such certificate, they shall assess it, as they do town taxes, on the polls and estates of the residents and owners in the district at the time of raising said money, whether wholly in their town or not, and on the non-resident real estate in the district. They shall then make their warrant in due form of law, directed to any collector of their town, or of the district, if any, if not, to a constable, authorizing and requiring him to levy and collect such tax and pay it, within the time limited in the warrant, to the town treasurer; and they shall give a certificate of the assessment to such treasurer, and may abate such taxes as in the case of town taxes. (a)

SEC. 45. All the provision of section one hundred and fourteen of the sixth chapter, and any and all other statutes relating to the same subject shall apply to the case of taxes assessed by or for school-districts, so far as the same are applicable; but the district and not the town shall be liable.

SEC. 46. The collector or constable, and the town treasurer, or treasurer and collector, if one person is both, shall each have the same powers and be subject to the same duties and obligations relating to district taxes, as relating to town taxes; and they and the assessors shall be allowed by the district for the services herein required, a compensation proportionate to what they receive from the town for similar services.

SEC. 47. The money so raised and paid shall be at the disposal of the district committee, provided for in section twenty-six.

SEC. 48. A district, at a legal meeting called for that purpose, by a vote of two-thirds of the voters present and voting, may borrow money for erecting a school-house, and buying a lot therefor, on a time not exceeding ten years, payable in equal annual instalments, but for no other purpose, and in no other manner; and, when they do so, the clerk shall forthwith certify such vote to the assessors and treasurer of the town.

SEC. 49. The district may appoint an agent or agents to contract such loan, who may bind the district, and give the necessary security therefor, a copy of which shall be filed by him with the town clerk,

(a) 12 Me. 254; 51 Me. 101; 33 Me. 239; 38 Me. 164; 31 Me. 272; 28 Me. 193; 35 Me. 393; 41 Me. 504; 15 Me. 258; 39 Me. 133; 51 Me. 101.

and entered on the town records. The money thus procured shall be received by the town treasurer, applied for the purposes aforesaid, and paid out in the same manner as money raised by taxation for the same purposes. CHAP. 11.

SEC. 50. At each annual assessment of town taxes after such loan, the assessors of the town shall assess the amount of the installment and interest for that year, on the polls and estates in the district, as if the district had voted to raise it, and it shall, in like manner, be collected and paid to the town treasurer, who shall pay each installment and interest as it becomes due, on demand of the owner of the security. Duties of assessors in such cases.
R. S. c. 11, § 44.

SEC. 51. A district voting to raise a sum of money exceeding three hundred dollars under the provisions hereof, may elect a collector by ballot, who shall give bond to the inhabitants thereof, with sufficient sureties, approved by the municipal officers; have the same powers and be subject to the same duties and obligations as a collector of town taxes; and receive such compensation for collecting and paying over such taxes as the district votes at the meeting when he is chosen. The district clerk shall file a certified copy of his election with the town clerk, who shall record it, and such record shall be evidence of the collector's election by the district. District may elect collector when sum raised exceeds three hundred dollars.
R. S. c. 11, § 45.

POWERS AND DUTIES OF SUPERINTENDING SCHOOL COMMITTEES.

SEC. 52. Members of superintending school committees and supervisors shall be duly sworn. Officers to be sworn.
R. S. c. 11, § 46.

SEC. 53. Superintending school committees at their first meeting, shall designate by lot one of their number to hold office three years, and another two years, and certify such designation to the town clerk, to be by him recorded. The third member shall hold office one year; and each member elected to fill the place of one whose term expires, shall hold office three years. They shall fill all vacancies in their number until the next annual town meeting. Two members shall constitute a quorum; but if there is but one in office, he may fill vacancies. Superintending school committee first chosen; term of office.
R. S. c. 11, § 47.

SEC. 54. Superintending school committees shall perform the following duties: Duties.
R. S. c. 11, § 49.
1870, c. 159, § 5.

First—They shall appoint suitable times and places for the examination of candidates proposing to teach in town, and give notice thereof by posting the same in two or more public places within the town at least three weeks before the time of said examination, or the publication for a like length of time of said notice in one or more of the county newspapers having the largest circulation in the county. They shall employ teachers for the several districts in the town, and notify the several school agents of the teachers employed and the Appoint time and place for examination of teachers.
1870, c. 85, § 1.
See §§ 86, 62.

School week and month.

CHAP. 11. compensation agreed to be paid; (a) and in the absence of any agreement to the contrary, five and one-half days shall constitute the school week, and four weeks shall constitute a school month.

Examination.
Studies.

Second—On satisfactory evidence that a candidate possesses a good moral character, and a temper and disposition suitable to be an instructor of youth, they shall examine him in reading, spelling, writing, English grammar, geography, history, arithmetic, and other branches usually taught in public schools, and particularly in the school for which he is examined, and also as to capacity for the government thereof.

Certificate.

Third—They shall give to each candidate found competent, a certificate that he is qualified to govern said school, and instruct in the branches above named, and such other branches as are necessary to be taught therein. (b)

Direct course
of instruction,
and what
books shall be
used.
1862, c. 103, § 3.
1869, c. 50.
88 Me. 379.

Fourth—Direct the general course of instruction, and select a uniform system of text-books, due notice of which shall be given; and any text-book thus introduced, shall not be changed for five years thereafter unless by a vote of the town; and any person violating the provisions hereof shall be punished by fine not exceeding five hundred dollars, to be recovered in an action of debt by any school officer or person aggrieved. And when said committee has made such selection of school-books, they may contract, under section six, with the publishers for the purchase and delivery thereof; make such rules as they deem effectual for their preservation and return; or if they are kept for sale, may regulate the sale and appoint an agent to keep and sell them, fix the retail price which shall be marked on the title page of each book.

Purchase and
sale of books,
how regulated.
1870, c. 168, § 2.

Examine
schools.

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

May dismiss
teachers for
sufficient
cause.
3 Me. 450.
16 Me. 184.

Sixth—After due notice and investigation, they shall dismiss any teacher, although having the requisite certificate, who is found incapable or unfit to teach, or whose services they deem unprofitable to the school; and give to said teacher a certificate of dismissal and of the reasons therefor, a copy of which they shall retain, and immediately notify the district agent of such dismissal, which shall not deprive the teacher of compensation for previous services.

Seventh—Expel from a school any obstinately disobedient and dis-

(a) 4 Me. 44. Prior to the statute of 1870, c. 85, the power of employing teachers was vested in the district agent.

(b) 20 Me. 37; 27 Me. 266; 20 Me. 154; 26 Me. 56. See § 65.

orderly scholar, after a proper investigation of his behavior, if found necessary for the peace and usefulness of the school; and restore him on satisfactory evidence of his repentance and amendment.

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Expel scholars.

Eighth—Exclude from the public schools, if they deem expedient, any person who is not vaccinated, though otherwise entitled by law to admission thereto.

Scholars not vaccinated.

Ninth—Direct or approve in writing the expenditure of school money apportioned to inhabitants not included in any district.

Direct expenditures.
See § 2.

Tenth—Prescribe the sum, on the payment of which persons of the required age, resident on territory, the jurisdiction of which has been ceded to the United States, included in or surrounded by a school district, shall be entitled to attend school in such district; and when such territory adjoins two or more districts, they shall designate the one where they may attend.

Prescribe sums to be paid in certain cases.

Eleventh—Determine what description of scholars shall attend each school, classify them, and transfer them from school to school in districts where more than one school is kept at the same time and no district committee is elected, and may authorize the admission of scholars in one district into the schools of another district.

May classify scholars.
1870, c. 159,
§ 6.
See §§ 37, 38.

Twelfth—At the annual town meeting, they shall make a written report of the condition of the schools for the past year, the proficiency made by the pupils, and the success attending the modes of instruction and government of the teachers; they shall transmit a copy thereof to the superintendent of common schools.

To make annual report.
1861, c. 55, § 3.

SEC. 55. They shall annually make out a statement containing the following particulars:

Shall make an annual statement.
Particulars.
R. S. c. 11. § 50.

First—The amount of money raised and expended for the support of schools, designating what part is raised by taxes, and what part from other funds, and how such funds accrued.

Second—The number of school districts and parts of districts in their town.

Third—The number of children between four and twenty-one years of age, belonging to their town in each district, on the first day of April preceding.

Fourth—The number of such children who reside on islands, or in any other part of the town not in any district.

Fifth—The whole number and the average number of scholars attending the summer schools; the whole number and the average number of scholars attending the winter schools.

Sixth—The average length of the summer schools in weeks; the average length of the winter schools in weeks; the average length of the schools for the year.

Seventh—The number of male teachers and the number of female teachers employed in the public schools during any part of the year.

CHAP. 11. *Eighth*—The wages of male teachers per month, and the wages of female teachers per week, exclusive of board.

Returns to superintendent of common schools.

1859, c. 55, § 1.
1869, c. 13, § 1.

Ninth—They shall give in their returns, the number of scholars as they existed on the first day of April next preceding the time of making said returns, and full and complete answers to the inquiries contained in the blank forms furnished them under the provisions of law; certify that such statement is true and correct, according to their best knowledge and belief; and transmit it to the office of the superintendent of common schools, on or before the first day of May in each year. When by reason of removal, resignation or death, but one member of the committee remains, he shall make said returns.

If agent neglects, S. S. committee makes enumeration of scholars.

1865, c. 304, § 4.

SEC. 56. If any school agent neglects to return the scholars in his district, the superintending school committee shall immediately make such enumeration and be paid a reasonable sum therefor, to be taken from the amount to be apportioned to the district of such delinquent agent.

S. S. committee make return of list of scholars in each district to assessors.

1865, c. 309, § 5.

SEC. 57. They shall return to the assessors on or before the fifteenth day of May, annually, the number of scholars in each school district, according to the enumeration provided for in sections fifty-six and sixty-one.

Committee to furnish books if parents or guardians neglect.

R. S. c. 11, § 51.

SEC. 58. If any parent, master or guardian, after notice from the teacher of a school that a child under his care is deficient of the necessary school books, refuses or neglects to furnish such child with the books required, the superintending school committee, on being notified thereof by the teacher, shall furnish them at the expense of the town; and such expense may be added to the next town tax of the parent, master or guardian.

Delinquents may be taxed.

Compensation of S. S. committee.

1867, c. 33.

SEC. 59. Superintending school committees and supervisors shall be paid for their services, on satisfying the municipal officers that they have made the returns to the superintendent of common schools required by law, one dollar and fifty cents a day and all necessary traveling expenses, and no more unless ordered by the town.

POWERS AND DUTIES OF SCHOOL AGENTS.

School agents to be sworn; their powers and duties.

R. S. c. 11, § 53.
See §§ 4, 23, 43, 61, 62.

20 Me. 439.

26 Me. 56.

23 Me. 543.

School meetings, how called.

1862, c. 103, § 4.
See §§ 18, 19.

SEC. 60. Each school agent elected by the town or district, shall be duly sworn by the moderator, town or district clerk, or a justice of the peace, and continue in office one year, and until another is chosen and qualified in his stead; and his duties and powers shall be as follows:

First—In the month of March or April, annually, to call a district meeting for the choice of an agent, and for other business, by causing notice to be given as provided in this chapter, *which meeting shall be called by the agent without application therefor.*

Second—To provide fuel and utensils necessary for the schools, and make repairs upon the school-houses and out-buildings, and procure insurance of the same if the district so direct; but no more than one-tenth of the money apportioned to the district shall be expended for such repairs in one year, exclusive of fuel and insurance. CHAP. 11.

To provide fuel, &c.
24 Mc. 349.
1870, c. 159, § 7.

Third—He shall, within the year for which he is chosen, perform all the duties required of him by law, and if he refuses or neglects so to do, as far as practicable, the municipal officers, on complaint of any inhabitant of the district, and after due notice and investigation, may appoint a special agent to discharge such duties, who shall be duly sworn, have all the powers and perform all the duties of school agent for the district.

Special agent may be appointed.
1870, c. 159, § 8.

Fourth—To return to the municipal officers, prior to the expiration of his term of service, an account of his official expenditures with the necessary vouchers therefor.

Return account of expenditures.
See § 62.

Fifth—To return to the assessors in the month of April, annually, a certified list of children in his district between four and twenty-one years of age as they existed on the first day of said month, exclusive of those coming from other places, where they belong, to attend any college or academy, or to labor in any factory therein.

To return certified lists of children to assessors.
See § 8.

SEC. 61. Each school agent shall return to the superintending school committee, in the month of April, annually, a certified list of the names and ages of all persons in his district, from four to twenty-one years, as they existed on the first day of said month, leaving out of said enumeration, all persons coming from other places to attend any college or academy, or to labor in any factory, or at any manufacturing or other business.

Agents to return list of persons from four to twenty-one years of age to S. S. committee.
1865, c. 304, § 3.
See §§ 8, 56, 60, item 5.

SEC. 62. In school districts not having legal voters, the superintending school committee of the town are hereby empowered and required to perform the duties imposed upon school agents by the second and fourth specifications of section sixty.

S. S. committee may perform duties of agent.
1867, c. 132, § 3.
See § 29.

DUTIES AND QUALIFICATIONS OF INSTRUCTORS.

SEC. 63. Every teacher of a public school shall keep a school register, containing the names of all the scholars who enter the school, their ages, the date of each scholar's entering and leaving, the number of days each attended, the length of the school, the teacher's wages, a list of text-books used, and all other facts required by the blank form furnished under the provisions of law; such register shall at all times be open to the inspection of the school committee, and be returned to them at the close of the school. *No teacher shall be entitled to pay for his services, until the register of his school, properly filled up, completed, and signed, is deposited with the school committee, or with a person designated by them to receive it.*

Teachers to keep school register.
R. S. c. 11, § 56.

Not to be paid till register is completed.

CHAP. 11. SEC. 64. The presidents, professors, and tutors of colleges, the instructors of colleges, &c., to inculcate morality, justice and patriotism. R. S. c. 11, § 57.

SEC. 64. The presidents, professors, and tutors of colleges, the preceptors and teachers of academies, and all other instructors of youth, in public or private institutions, shall use their best endeavors to impress on the minds of the children and youth committed to their care and instruction, the principles of morality and justice, and a sacred regard for truth; love of country, humanity, and a universal benevolence; sobriety, industry, and frugality; chastity, moderation, and temperance; and all other virtues, which are the ornaments of human society; and to lead those under their care, as their ages and capacities admit, into a particular understanding of the tendency of such virtues to preserve and perfect a republican constitution, and secure the blessings of liberty, and promote their future happiness; and the tendency of the opposite vices, to slavery, degradation and ruin.

Forfeitures for teaching without certificate. R. S. c. 11, § 58. See § 54, item 3. 20 Me, 154. 37 Me, 367.

SEC. 65. Any person who teaches a district school without first obtaining a certificate from the superintending school committee of the town, shall forfeit not exceeding the sum contracted for his daily wages, for each day he so teaches, and shall be barred from receiving any pay therefor; and no certificate shall be valid for more than one year without the approval of the superintending school committee annually endorsed thereon.

SCHOOLS IN PLANTATIONS.

Powers of plantations to form school districts. R. S. c. 11, § 59. 1867, c. 77, § 1.

SEC. 96. Plantations have the same powers and liabilities as towns, for the formation of districts, electing committees or supervisors, treasurers, collectors, and school agents, and for raising, assessing and collecting school money, not exceeding one dollar for each inhabitant, to be apportioned and expended as in towns; and the districts therein shall elect school-district officers, whose powers and duties shall be the same as those of like officers in towns. The assessors of plantations may take a census of the inhabitants thereof, at the expense of the plantation, and when so taken, the money raised therein for schools shall be upon the basis of such census and not upon the census of the state.

District meeting how called. R. S. c. 11, § 60. 20 Me, 154. 37 Me, 367.

SEC. 67. School district meetings shall be called by the assessors of the plantation, on the written application of three or more legal voters in the district, stating the reasons and objects thereof, and notice shall be given as for meetings in town districts.

School districts may raise money and choose committee to provide school-houses. 1867, c. 93. See §§ 5, 24, item 1.

SEC. 68. Such districts, at meetings called for the purpose, may raise money and choose committees to hire, buy or build a school-house for their use; and the plantation assessors shall make a valuation of the real and personal estate in the district, whether owned by residents or not, including wild lands, and assess the money so raised on the polls and estates, and commit the tax to the collector, who shall collect it and pay it to the treasurer.

SUPERINTENDENT OF COMMON SCHOOLS.

CHAP. 11.

SEC. 69. The governor and council shall appoint a state superintendent of common schools, who shall be duly sworn and continue in office three years or during the pleasure of the executive; and when a vacancy occurs, a new appointment shall be made for a like term. The number and compensation of clerks to be employed by him, shall be determined and fixed by the governor and council.

Appointment and term of office.
1868, c. 221, § 1.
Clerks employed by him.
Res. Mar. 7, 1870.

SEC. 70. An office shall be provided for the state superintendent at the seat of government, where he shall preserve all school reports of this state and of other states which may be sent to his office, the returns of the superintending school committees of the various towns, and such books, apparatus, maps, charts, works on education, plans for school buildings, models, and other articles of interest to school officers and teachers as may be procured without expense to the state.

To have an office at the capitol.
1868, c. 221, § 2.

SEC. 71. The duties of the state superintendent shall be as follows:

First—To exercise a general supervision of all the public schools of the state, and to advise and direct the town committees in the discharge of their duties, by circular letters and personal conference, devoting all his time to the duties of his office.

To exercise general supervision of schools.

Second—To obtain information as to the school systems of other states and countries, and the condition and progress of common school education throughout the world; to disseminate this information, together with such practical hints upon the conduct of schools and the true theory of education as observation and investigation shall convince him to be important, by public addresses, circulars, and articles prepared for the press; and to do all in his power to awaken and sustain an interest in education among the people of the state, and to stimulate teachers to well directed efforts in their work.

To obtain and disseminate information relating to school systems, &c.

Third—To take such measures as he may deem necessary to secure the holding of a state educational convention once each year, with a view of bringing together the teachers, school committees and friends of education generally, for the purposes of consultation with reference to the interests of common schools and the most approved method of instruction.

To take necessary measures for holding of state educational conventions.

Fourth—In case sufficient encouragement is afforded by the citizens, to hold in each county once during each year a public meeting or institute for teachers and educators.

May hold county institutes.

Fifth—To prepare and cause to be printed and distributed such portions of the proceedings of county and state institutes or teacher's conventions as he may deem important in the furtherance of the interests of education.

To publish abstract of proceedings of such conventions.

Sixth—To prescribe the studies that shall be taught in the common schools of this state, reserving to town committees the right to prescribe additional studies.

To prescribe studies to be taught.

CHAP. 11.

To be superintendent of normal schools.

To make report to governor and council, annually.

Seventh—To act as superintendent of the state normal schools, and perform the duties imposed upon the superintendent of common schools by the eighty-seventh section.

Eighth—Annually, prior to the session of the legislature, to make a report to the governor and council of the result of his inquiries and investigations, and the facts obtained from the school returns, with such suggestions and recommendations as in his judgment will best promote the improvement of common schools.

Salary,
1868, c. 221, § 4.

SEC. 72. The annual salary of the state superintendent shall be eighteen hundred dollars, exclusive of traveling and other necessary expenses incurred in the discharge of his duties, for which he shall receive such sums as he actually expends, to be approved by the governor and council, not, however, exceeding five hundred dollars, to be paid quarterly, on the first days of April, July, October and January.

State superintendent of common schools to prepare and forward blanks for returns of schools.
1859, c. 13, § 1.

SEC. 73. The superintendent of common schools shall prepare and print blank forms for all returns required by law, or deemed by him necessary, and shall, on the first day of March in each year, forward to the clerk of the several cities, towns and plantations, blanks for the annual school returns, and registers for the school year commencing on the first day of April following; and said clerk shall forthwith deliver the same to the superintending school committee of his city, town or plantation.

To notify delinquent school committees; also to return to state treasurer number of children between four and 21 years of age.
1869, c. 13, § 3.

SEC. 74. The superintendent of common schools shall, on the first day of June, notify the school committee of any town whose returns were not received at his office in May, and shall annually ascertain on the first day of July, the number of children between four and twenty-one years of age, in the towns from which returns are received, and furnish a list thereof to the state treasurer.

COUNTY SUPERVISORS OF SCHOOLS.

County supervisors to be appointed.
1869, c. 75, § 1.

SEC. 75. The governor and council shall appoint for each county on the recommendation of the state superintendent of common schools, one person as county supervisor of public schools for each county, whose term of office shall continue three years, unless sooner removed by the governor.

Their duty.
1869, c. 75, § 2.

SEC. 76. The county supervisor shall visit the schools of his county as often as practicable, note at such visits in a book provided for the purpose, to be designated the "Supervisor's Visiting Book," the condition of the school buildings and out-houses, the efficiency of the teachers, the method of instruction, the branches taught, the text-books and apparatus used, and the discipline, government and general condition of each school. He shall give each such directions in the science, art, and methods of teaching as he may deem expedient, shall distribute promptly all reports, forms, laws, circulars and

instructions which he may receive from and in accordance with the direction of the state superintendent, and in general shall act as the official advisor and constant assistant of the school officers and teachers in his county. CHAP. 11.

SEC. 77. He shall assist the state superintendent in the organization and management of county institutes, and labor in every practicable way to elevate the standard of teaching and improve the condition of public schools in his county, by organizing town and county associations of teachers, and by personal efforts with pupils, school committees, teachers and parents. 1869, c. 75, § 3.

SEC. 78. No county supervisor shall act as agent for any author, publisher or bookseller, nor directly or indirectly receive any gift, emolument or reward for his influence in recommending, or procuring the use of any book, school apparatus or furniture of any kind whatever in any public school in the state; and any one who shall violate this provision shall be removed from office, and shall further forfeit all moneys due him from the state for salary and traveling expenses. County supervisors not to act as agents for sale of books, or receive any consideration for recommending the same. 1869, c. 75, § 4.

SEC. 79. The state superintendent and the county supervisors shall constitute a state board of education, of which the state superintendent shall be *ex officio* secretary, and said board shall hold a session at the capital of the state at least once a year during the session of the legislature, for the purpose of conferring with the legislative educational committee on matters pertaining to the common schools of the state, and to mature plans of operations for the following year, and in general to devise ways and means to promote and elevate the public schools of the state. Board of education established. 1869, c. 75, § 5.

SEC. 80. The county supervisor shall receive three dollars per diem for services actually performed in the discharge of his duties, and traveling expenses necessarily incurred; said services and traveling expenses to appear in his "working report," rendered quarterly to the state superintendent for his inspection, and thence transmitted to the governor and council for their examination and approval; but the total annual expense for county supervisorships shall not exceed the sum of sixteen thousand dollars. Compensation of county supervisors. 1869, c. 75, § 6.

COUNTY TEACHERS' INSTITUTES.

SEC. 81. The state superintendent of common schools, shall on the written request of twenty-five teachers in any county, hold therein annually a teachers' institute, to continue at least ten days, (Sundays excepted,) give due notice thereof to all teachers, and persons proposing to become such, and invite their attendance. The state superintendent, or some person designated by him, shall attend and have charge of each convention, and employ suitable instructors and lecturers, to give instruction and addresses, with the view to aid Teacher's institutes to be held annually, in each county, on request of twenty-five teachers. 1869, c. 74, § 1.

CHAP. 11.

Institutes how
conducted.

teachers in qualifying themselves for a more successful discharge of their duties. An examination of teachers shall be held the closing day or days of the session, and certificates of scholarship and qualifications shall be granted by the examining committee, of such form and grade as may be deemed best by the state superintendent.

Expenses of
institutes.
1863, c. 74, § 2.

SEC. 82. To defray the expenses of these institutes, the sum of four thousand dollars shall be annually appropriated, to be expended by the state superintendent, who shall render an account thereof to the governor and council, to be examined and audited by them.

NORMAL SCHOOLS.

Normal
schools where
located.
1863, c. 210, § 2.

SEC. 83. The western normal school at Farmington, in the county of Franklin, and the eastern normal school at Castine, in the county of Hancock, shall remain as now established, and be conducted for the purposes and upon the principles herein set forth.

Their objects.

First—They shall be thoroughly devoted to the work of training teachers for their professional labors.

Second—The course of study shall include the common English branches in thorough reviews, and such of the higher branches as are especially adapted to prepare teachers to conduct the mental, moral and physical education of their pupils.

Third—The art of school management, including the best methods of government and instruction, shall have a prominent place in the daily exercise of said schools.

Fourth—Said normal schools, while teaching the fundamental truths of Christianity, and the great principles of morality, recognized by statute, shall be free from all denominational teachings, and open to persons of different religious connections, on terms of entire equality.

Course of
study, by
whom arrang-
ed.
1863, c. 210, § 4.

SEC. 84. The course of study shall occupy two years with suitable vacations; and together with the terms of admission shall be arranged by the superintendent of schools, subject to the approval of the governor and council.

Diplomas pro-
vided for.
1863, c. 210, § 5.

SEC. 85. Any students who shall complete the course of study prescribed, and otherwise comply with the regulations of the school, shall receive a diploma certifying the same.

Applicants
for admission,
qualification
of.
1863, c. 210, § 6.

SEC. 86. Applicants for admission to said schools shall be sixteen years of age if females, and seventeen if males, and shall signify their intention to become teachers and shall come under obligation to teach in our own state for at least one year, and in case they receive the diploma mentioned in the preceding section, two years after they shall have graduated; and on these conditions shall be received without charge for tuition; each pupil shall pay one dollar and fifty cents for incidental expenses of the school.

Tuition.
1867, c. 70.

SEC. 87. The superintendent of common schools, shall act as superintendent of the normal schools; employ teachers and lecturers for the same, and with the consent of the governor and council provide such apparatus and other facilities for conducting the operations of the schools as are necessary; the whole arrangements to be approved by the governor and council, who shall audit all accounts for expenditures in this behalf, and draw their warrant for the payment of the same when approved.

CHAP. 11.

Superintendent of common schools.
Duties of.
1863, c. 210, § 9.
Accounts by whom adjusted.

PENAL PROVISIONS AFFECTING SCHOOLS.

SEC. 88. All forfeitures arising under this chapter not otherwise provided for, may be recovered by indictment, and shall be paid into the treasury of the town where they occurred, for the support of schools therein, in addition to the amount required by law to be raised; but the costs of prosecution shall be paid into the county treasury; and if any town neglects for one year, so to expend such money, it shall forfeit a sum equal thereto, to the use of any person suing therefor in an action of debt.

Forfeitures, how recovered and appropriated.
R. S. c. 11, § 70.

Penalty of town for neglect to expend money.

SEC. 89. If any person, whether he is a scholar or not, enters any school-house or any other place of instruction, during or out of school hours, while the teacher or any pupil is there, and willfully interrupts or disturbs the teacher or pupils by loud speaking, rude or indecent behavior, signs or gestures; or willfully interrupts a school by prowling about the building, making noises, throwing missiles at the school-house, or in any way disturbing the school, he shall forfeit not less than two nor more than twenty dollars, to be recovered as aforesaid, or by complaint before a trial justice.

Penalty for disturbing schools.
R. S. c. 11, § 71.
27 Me. 266.
35 Me. 195.

SEC. 90. If a minor injures or aids in injuring any school-house, out-buildings, utensils or appurtenances belonging thereto; defaces the walls, benches, seats, or other parts of said buildings by marks, cuts or otherwise; or injures or destroys any property belonging to a school district, such district by its agent or committee, may recover of his parent or guardian, in an action of debt, double the amount of damages occasioned thereby.

Parents or guardians liable.
R. S. c. 11, § 72.

STATE SCHOOL FUNDS.

SEC. 91. The treasurer of state shall keep a separate account of all moneys received from the sales of lands appropriated for the support of schools in this state, or from the notes taken therefor, and of any other moneys appropriated for the same purpose; and such sum shall constitute a permanent school fund, which may be put at interest as the legislature directs. A sum equal to six per cent. of the amount of such fund, and also all money received by the state from the tax on banks, shall be annually appropriated to the support of common schools, and distributed among the several towns according to

Permanent school fund.
R. S. c. 11, § 73.

CHAP. 11. the number of children therein between four and twenty-one years of age.

Treasurer to apportion school funds. R. S. c. 11, § 75. 1859, c. 55, § 2. 1869, c. 13, § 3. See §§ 5, 55, item 9.

Basis when returns not received.

Not to be paid till return is made.

SEC. 92. The treasurer shall, immediately after the first day of July, apportion to the towns all state school funds for the year, according to the list of children furnished by the superintendent of common schools, as provided in section seventy-four. The number of scholars belonging to a town from which a return has not been received, shall be reckoned by taking the number used as the basis of the last apportionment, and deducting all scholars set off to other towns, or incorporated into a new town within a year, and one-tenth of the remainder, and the residue shall be the basis of the new apportionment. Immediately after making the apportionment, the treasurer shall notify each town of its proportion; which shall not be paid to any town until its return is made to the superintendent of common schools.

PROVISIONS RESPECTING LITERARY INSTITUTIONS.

Presidents of colleges, tenure of office. R. S. c. 11, § 76.

SEC. 93. The presidents of colleges in this state are removable at the pleasure of the trustees and overseers, whose concurrence is necessary for their election.

Fees for degrees conferred. R. S. c. 11, § 77.

SEC. 94. No officer of a college shall receive as perquisites any fees paid for a diploma or medical degree conferred by such college, but they shall be paid into the treasury for the use of the college.

Innholders and certain others not to give credit to students. R. S. c. 11, § 78.

SEC. 95. If an innholder, confectioner, or keeper of a shop, boarding house, or livery stable, gives credit for food, drink, or horse or carriage hire to any pupil of a college or literary institution in violation of its rules, or without the consent of its president or other officer authorized thereto by its government, he shall forfeit a sum equal to the amount so credited, whether it has been paid or not, to be recovered in an action of debt by the treasurer of such institution, half to its use, and half to the use of the town where it is located; and no person shall be licensed by the municipal officers for any of said employments, if it appears that within the preceding year he had given credit contrary to the provisions hereof.