

MAINE STATE LEGISLATURE

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TITLE TWO.

Education, Religious Instruction, Public Health, Convenience, Support of the Poor and Police.

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Location of Schools.

Sec. 1. All school districts abolished except districts organized by act of legislature; how schools in such districts shall be supported; corporate powers of districts continued for purpose of meeting liabilities. R. S. c. 15, § 1. The school districts in all towns in the state are abolished. Provided, however, that school districts organized with special powers by act of the legislature, may retain such organization and special powers; but said districts shall annually, on or before the first day of June, by their agents, trustees or directors, submit to the school committees of their several towns estimates of the amounts required for the maintenance of the schools therein, other than free high schools, for the ensuing school year, and shall be entitled to such portion of the common school funds of the town as said committees shall determine, which sum shall not be less than is necessary for the maintenance of their schools for a period equal to that of the other schools of the town; and provided further, that the corporate powers of every school district shall continue so far as the same may be necessary for meeting its liabilities and enforcing its rights; and any property held in trust by any school district by virtue of a gift, devise or bequest for the benefit of said district shall continue to be held and used according to the terms thereof.

90 Me. 322; 91 Me. 519.

Sec. 2. No change in location of any school legally established; towns may determine number and location on recommendation of school committee; schools with few scholars may be suspended; superintendent shall procure conveyance for scholars; committee may furnish board instead of providing conveyance. R. S. c. 15, § 2. 1907, c. 90. 1913, c. 148. The location of any school legally established prior to the seventeenth day of March, eighteen hundred and ninety-three continues unchanged, notwithstanding the district is abolished; but any town at its annual meeting, or at a meeting called for the purpose, may determine the number and location of its schools, and may discontinue them or change their location; but such discontinuance or change of location shall be made only on the written recommendation of the superintending school committee, and on conditions proper to preserve the just rights and privileges of the inhabitants for whose benefit such schools were established; provided, however, that in case any school shall hereafter have too few scholars for its profitable maintenance, the superintending school committee may suspend the operation of such school for not more than one year unless otherwise instructed by the town, but any public school failing to maintain an average attendance for any school year, of at least eight pupils, shall be and hereby is suspended, unless the town in which said school is located shall by vote, at the annual meeting, or at a meeting called for that purpose, after the said committee shall have made a written recommendation to that effect, instruct its superintending school committee to maintain said school. The superintendent of schools in each town shall procure the conveyance of all common school pupils residing in his town, a part or the whole of the distance, to and from the nearest suitable school, for the number of weeks for which schools are maintained in each year, when such pupils reside at such a distance from

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the said school as in the judgment of the superintending school committee shall render such conveyance necessary. Provided, however, that the superintending school committee may authorize the superintendent of schools, to pay the board of any pupil or pupils at a suitable place near any established school instead of providing conveyance for said pupil or pupils, when in their judgment it may be done at an equal or less expense than by conveyance.

Sec. 3. Schoolhouse lots acquired by condemnation; damages, how appraised; lot to revert to owner if not occupied for two years. Land may be taken for schoolhouse lot, playgrounds. R. S. c. 15, § 3. When a location for the erection or removal of a schoolhouse and requisite buildings has been legally designated, by vote of the town at any town meeting called for that purpose, and the owner thereof refuses to sell, or, in the opinion of the municipal officers, asks an unreasonable price for it, or resides without the state and has no authorized agent or attorney therein, they may lay out a schoolhouse lot, not exceeding three acres, and appraise the damages as is provided for laying out town ways, and appraising the damages therefor; and on payment or tender of such damages, or if such owner does not reside in the state, upon depositing such damages in the treasury of such town for his use, the town designating it may take such lot to be held and used for the purposes aforesaid; and when such schoolhouse has ceased to be thereon for two years, said lot reverts to the owner, his heirs or assigns. And any town or city may take real estate for the enlargement or extension of any location designated for the erection or removal of a schoolhouse and requisite buildings and playgrounds, as herein provided; but no real estate shall be so taken within fifty feet of a dwelling-house, and all schoolhouse lots and playgrounds that require fencing shall be fenced by the town or city.

52 Me. 146; 60 Me. 405, 542, 545; 63 Me. 192; 67 Me. 283; 77 Me. 120; 98 Me.

131.

Sec. 4. Appeal by aggrieved owner. R. S. c. 15, § 4. If the owner is aggrieved at the location of the lot, or the damages awarded, he may apply to the county commissioners within six months, who may change the location and assess the damages. 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.

60 Me. 335, 542, 543; 63 Me. 192; 98 Me. 131.

Sec. 5. Schoolhouse lots, erroneous location, how re-established and made valid. R. S. c. 15, § 5. If any town or school district, by its officers or by a committee, has designated, located and described a lot upon which to erect, move or repair a schoolhouse, and from mistake or omission has failed to comply with the law, whereby such location has been rendered invalid, three legal voters and taxpayers thereof may apply in writing to the selectmen of said town, and have the lot, so designated or described, re-appraised by them.

Sec. 6. Notice of appraisal and hearing. R. S. c. 15, § 6. The selectmen of any town to whom such application has been made, shall forthwith give not less than seven nor more than twenty days' notice, to the clerk of said town or district and to the owner of such real estate, or

to the persons having the same in charge, of the time and place by them fixed for such hearing, and shall, after examination and hearing of all interested, appraise the lot as set out and affix a fair value thereon, exclusive of improvements made by said district or town, either by buildings or otherwise; and shall, as soon as practicable, notify the town or district clerk, and the persons interested in said estate who had been notified as hereinbefore provided, of the sum at which said lot has been appraised.

Sec. 7. Assessment and collection. R. S. c. 15, § 7. The sum fixed as the value of said lot shall be assessed, collected and paid over as other school money.

Sec. 8. Tender to be allowed in payment. R. S. c. 15, § 8. Any sum which has been tendered and is in the hands or under the control of the persons owning or having charge of such land, shall be allowed in payment of said appraisal.

Sec. 9. Either party may appeal. R. S. c. 15, § 9. If the town or district, or persons owning or having charge of the land on which such location is made, are dissatisfied with such appraisal, either party may within ten days appeal to the county commissioners of the county in which the land lies, by filing a copy of the proceedings and a claim of appeal with said commissioners, and the determination of a majority of said commissioners not residents of said town, shall be final.

Sec. 10. Improvements inure to town or district. R. S. c. 15, § 10. When any school district or town has erected or moved a building upon such lot or in any way improved the same, such improvement shall inure to the benefit of such town or district, and the same may be as completely occupied and controlled by such town or district as it would have been if such location had been in strict conformity to law.

Sec. 11. Tax not affected by error in location. R. S. c. 15, § 11. The legality of a tax assessed to build, repair or remove a schoolhouse and to pay for a lot, shall not be affected by any mistake or error in the designation or location thereof.

Sec. 12. Plan to be approved by committee. R. S. c. 15, § 12. 1909, c. 88, § 3. A plan for the erection or reconstruction of any schoolhouse voted by a town, shall first be approved by the superintending school committee; and in case no special building committee has been chosen by the town, said superintending school committee shall have charge of said erection or reconstruction; provided, however, that they may if they see fit, delegate said power and duty to the superintendent of schools.

Sec. 13. Plans and specifications to be furnished by state superintendent. 1909, c. 88, § 1. 1913, c. 89. The state superintendent of public schools shall procure architects' plans and specifications for school buildings of not exceeding four rooms each, and full detail working plans therefor. Said plans and specifications shall be loaned to any superintending school committee or school building committee desiring to erect a new school building. For the use of the state superintendent of public schools in procuring such plans and specifications the sum of two hundred dollars annually shall be appropriated.

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Sec. 14. Provision for heating, lighting and ventilating. 1909, c. 88, § 2. Where the plans and specifications prepared by the state superintendent are not used, all superintending school committees of towns in which new schoolhouses are to be erected, shall make suitable provision for the heating, lighting and ventilating and hygienic conditions of such buildings, and all plans and specifications for any such proposed school building shall be submitted to and approved by the state superintendent of public schools and the state board of health before the same shall be accepted by the superintending school committee or school building committee of the town in which it is proposed to erect such building.

110 Me. 242.

Sec. 15. Schoolhouses shall be provided with proper exits; municipal officers shall correct defects. 1909, c. 100. Any building which is used in whole or in part as a schoolhouse shall be provided with proper egresses or other means of escape from fire sufficient for the use of all persons therein accommodated. These egresses and means of escape shall be kept unobstructed, in good repair and ready for use. Stairways on the outside of the building shall have suitable railed landings at each story above the first, accessible at each story from doors or windows; and such stairways, doors or windows shall be kept clean of snow, ice and other obstructions. In school buildings of more than one story there shall be at least two separate means of egress by inside or outside stairways, and each story above the first shall be supplied with means of extinguishing fire, consisting of pails of water or other portable apparatus, or of a hose attached to a suitable water supply and such appliance shall be kept at all times ready for use and in good condition. Upon written notification by the superintending school committee that any school building does not meet the specifications herein named, the municipal officers of the town shall at once proceed to correct the defects, and any failure so to act shall render the town liable to the provisions of section nineteen of this chapter.

See c. 30, § 37; c. 23, § 27.

Duties of Towns.

Sec. 16. Towns to raise money for schools; expenditure. R. S. c. 15, § 13. 1905, c. 48, § 1. 1907, c. 111, § 1. 1909, c. 128. Every town shall raise and expend, annually, for the support of common schools therein, exclusive of the income of any corporate school fund, or of any grant from the revenue or fund from the state, or of any voluntary donation, devise or bequest, or of any forfeiture accruing to the use of schools, not less than eighty cents for each inhabitant, according to the census by which representatives to the legislature were last apportioned, under penalty of forfeiting not less than twice nor more than four times the amount of its deficiency, and all moneys provided by towns, or apportioned by the state for the support of common schools, shall be expended for the maintenance of common schools established and controlled by the towns by which said moneys are provided, or to which said moneys are apportioned; but nothing

in this section shall be so construed as to annul, or render void, the provisions made in section twenty-one of this chapter for the establishment and maintenance of union schools by adjoining towns.

See §§ 153, 154, 164; c. 8, §§ 20, 21; c. 17, § 56; 68 Me. 584; 72 Me. 166; 76 Me. 416; 92 Me. 327; 109 Me. 173.

Sec. 17. Expenditures by towns failing to account for permanent school funds. R. S. c. 15, § 14. All towns incorporated since seventeen hundred and eighty-eight, not formerly parts of other towns, which fail to account for the permanent school fund arising from sale or lease of school lands in said towns, shall annually raise and expend for the maintenance of common schools not less than forty-five dollars in addition to the amount required by law to be raised and expended for the support of said schools.

Sec. 18. School money, how paid by towns. R. S. c. 15, § 15. 1905, c. 48, § 2. 1913, c. 122. 1915, c. 291. No money appropriated by law for public schools shall be paid from the treasury of any town, except upon written order of its municipal officers; and no such order shall be drawn by said officers except upon presentation of a properly avouched bill of items, said bill of items having first been approved by a majority of the members of the superintending school committee and certified by the superintendent of schools. The unexpended balance of all moneys raised by towns, or received from the state, for the payment of wages and board of teachers, fuel, janitors' services, conveyance or tuition and board of scholars, shall be credited to the school resources for the year following that in which said unexpended balance accrued.

Sec. 19. School fund and mill tax to be withheld from delinquent towns. R. S. c. 15, § 16. 1905, c. 48, § 3. 1909, c. 59. 1913, c. 181. When the governor and council have reason to believe that a town 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 text-books 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 towns in relation to public schools, they shall direct the treasurer of state to withhold from the apportionment of state school funds made to that town such amount as they may deem expedient and the amount so withheld shall not be paid until such town shall satisfy said governor and council that it has expended the full amount of school money as required by law and that it has complied in all ways with the law prescribing the duties of towns in relation to public schools; and whenever such town shall fail, within the year for which the apportionment is made, so to satisfy the governor and council, the said amount withholden shall be forfeited and shall be added to the permanent school fund for the year next succeeding.

Sec. 20. Equal school privileges shall be provided for all pupils. R. S. c. 15, § 17. 1909, c. 29. 1915, c. 89. The school moneys of every town shall be so expended as to give as nearly as practicable the same aggregate annual length of terms in all its schools, and every town shall make provision

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for the maintenance of all its schools for not less than thirty weeks annually. Any town failing to maintain its schools as provided in this section, shall be debarred from drawing its state school moneys until it shall have made suitable provisions for so maintaining them thereafter.

Sec. 21. Union schools may be maintained by adjoining towns; management of such schools. R. S. c. 15, § 18. Adjoining towns, upon the written recommendation of the school committees of said towns, may by concurrent action maintain union schools for the benefit of parts of said towns constituting on the first day of March, eighteen hundred and ninety-four, union school districts, or may establish such schools, and shall contribute to their support each in proportion to the number of scholars in each of said towns attending such schools. Said schools shall be under the management of the school committee of the town in which their schoolhouses are located.

Sec. 22. Purposes for which school fund shall be used. Parent or guardian may provide text-books; second-hand books shall not be purchased. R. S. c. 15, § 19. 1905, c. 48, § 4. 1909, c. 131. Towns shall expend the entire amount of the school fund and mill tax received from the state together with the amount arising from the eighty cents per capita as provided in section sixteen of this chapter, and the funds arising from the various sources enumerated in the first four lines of said section, and the funds arising from the provisions of section seventeen of this chapter, for the payment of teachers' wages and board, fuel, janitor's services, conveyance of scholars and tuition and board of scholars as provided in section two and section sixty-seven of this chapter and shall provide school-books, apparatus and appliances for the use of pupils in the public schools, including all free high schools, at the expense of said town, and shall also pay for the necessary repairs of school buildings and the insurance on the same, if any, 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 towns are required by law to raise, assess and expend for the support of common schools; provided, however, that 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 text-books required to be used in such schools, and no second-hand books shall be purchased for the use of any school; whoever violates this provision shall forfeit not exceeding five hundred dollars, to be recovered in an action of debt by any school officer or person aggrieved.

See §§ 162, 163.

Sec. 23. Distribution of books, etc. R. S. c. 15, § 20. School committees shall make such rules and regulations not repugnant to law, as they deem proper, for the distribution and preservation of school-books and appliances furnished at the expense of the town.

Sec. 24. Damages for injuring or destroying, recovered of parent or guardian. R. S. c. 15, § 21. When a pupil in the public schools loses, destroys, or unnecessarily injures any such school-book or appliance, furnished such pupil at the expense of said town, his parent or guardian shall be notified, and if the loss or damage is not made good to the satisfaction

of such committee within a reasonable time, they shall report the case to the assessors, who shall include in the next town tax of the delinquent parent or guardian the value of the book or appliance so lost, destroyed or injured, to be assessed and collected as other town taxes.

Sec. 25. Cities and towns may raise money for evening schools. R. S. c. 15, § 22. Any city or town may, in addition to the sum raised for the support of the common schools, raise and appropriate money for the support of evening schools, which shall admit persons of any age, shall teach only the elementary branches, and shall be under the direction and supervision of the superintending school committee.

See § 137.

Sec. 26. Instruction in industrial or mechanical drawing. R. S. c. 15, § 23. Any city or town may annually make provision for free instruction in industrial or mechanical drawing, to persons over fifteen years of age, either in day or evening schools, under direction of the superintending school committee.

Sec. 27. Manual training schools. R. S. c. 15, § 24. Any city or town may, in addition to the sum raised for the support of the common schools, raise and appropriate money for the support of manual training schools and may receive gifts and bequests for the use, maintenance and support of such schools.

See §§ 135-138.

Sec. 28. Such schools under direction of committee; rules and regulations. R. S. c. 15, § 25. Such schools shall be under the control, direction and supervision of the superintending school committee, and shall admit such persons between the ages of six and twenty-one years, and shall give such courses of instruction as said committee may determine. Pupils in such schools shall be subject to the same conditions, rules and regulations as are provided for public schools.

Sec. 29. Scholars at light stations. R. S. c. 15, § 26. 1911, c. 161. Persons between the ages of five and twenty-one years living at any light station, fog warning station or life saving station, shall be admitted to any public school in the state without paying tuition; such scholars shall be entitled to all privileges and benefits, and be subject to the same conditions, rules and regulations as scholars residing in the town in which they attend school.

Sec. 30. School age. R. S. c. 15, § 27. 1911, c. 22. The age of pupils allowed to attend the public schools of the state is hereby fixed between the ages of five and twenty-one years; and every child between the said ages shall have the right to attend the public schools in the town in which his parent or guardian has a legal residence, subject to such reasonable regulations as to the numbers and qualifications of pupils to be admitted to the respective schools and as to other school matters as the superintending school committee shall from time to time prescribe.

Sec. 31. Annual school returns to state superintendent. R. S. c. 15, § 28. 1909, c. 91. The assessors or municipal officers of each town, shall, on or before the first day of each May, make to the state superintendent of public schools, a certificate, embracing the following items:

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I. The amount voted by the town for common schools at the preceding annual meeting.

II. The amount of school moneys payable to the town from the state treasury during the year ending with the first day of the preceding April.

III. The amount of money actually expended for common schools during the preceding fiscal year of the town.

IV. The amount of school moneys unexpended at the expiration of the preceding fiscal year of the town.

V. Answers to such other inquiries as are presented to secure a full and complete statement of school revenues and expenditures.

Sec. 32. Election of superintending school committee. R. S. c. 15, § 29. Every town shall choose by ballot at its annual meeting, a superintending school committee of three, to hold office as provided in the following section and shall fill vacancies arising therein at each subsequent annual meeting. No person is ineligible to the office of superintending school committee, on account of sex.

See Const. of Me. Art. ix, § 1.

Sec. 33. Superintending school committees, when first chosen, shall arrange terms of office; vacancies. No member shall be employed to teach in his own town. R. S. c. 15, § 30. School committees first chosen shall designate by lot a member or members to hold office for one, two and three years respectively, in manner as follows: one for one year, one for two years and one for three years; and they shall certify such designation to the town clerk to be by him recorded; and thereafterwards one member shall be chosen by ballot at the annual meeting of the town, to hold office for three years. Said committee may fill vacancies occurring between annual meetings, and the term of office of any member of the committee so chosen shall expire at the next annual meeting. No member of the superintending school committee of any town shall be employed as a teacher in any public school in said town.

Sec. 34. Sections 32 and 33 shall not apply to certain cities. R. S. c. 15, § 31. The provisions of the two preceding sections shall not apply to cities whose charters specify the methods of election and term of office of a superintending school committee or board of education; nor to towns, cities and incorporated districts authorized by private and special laws to choose school committees other than those herein provided for.

Sec. 35. Penalty for neglect to choose committee. R. S. c. 15, § 32. A town failing to elect members of the superintending school committee as required by law forfeits not less than thirty, nor more than two hundred dollars.

Sec. 36. Committee shall serve without pay; compensation of superintendent. R. S. c. 15, § 33. Superintending school committees shall serve without pay, unless otherwise voted by the town, but the superintendent shall receive for his services such sum as the town shall annually vote therefor, which sum shall in no case be less than two dollars a day for every day of actual service and necessary traveling expenses.

Powers and Duties of Superintending School Committees and Superintendents.

Sec. 37. Management of schools; election and discharge of superintendent. R. S. c. 15, § 34. 1911, c. 173. 1913, c. 78. 1915, c. 129. The management of the schools and the custody and care, including repairs and insurance on school buildings, of all school property in every town, shall devolve upon the superintending school committee which shall annually, and as often as a vacancy shall occur, elect a superintendent of schools who shall not be a member of the committee, and, after the first day of July, nineteen hundred sixteen, no person shall be eligible to the office of superintendent of schools under the provisions of this section unless he shall hold a teacher's state certificate, or a state certificate of superintendence grade. After due notice and investigation the superintending school committee may for cause discharge a superintendent of schools and after protracted absence from duty on the part of said superintendent may declare a vacancy in his office. This section, so far as it relates to the manner of the election or employment of superintendents of schools shall not apply to cities, nor to towns authorized by special laws to employ or choose superintendents in manner otherwise than is herein provided.

100 Me. 136.

Sec. 38. Duties. R. S. c. 15, § 35. 1905, c. 48, § 5. Superintending school committees shall perform the following duties:

I. Direct the general course of instruction, and select a uniform system of text-books, due notice of which shall be given; no text-book thus introduced, shall be changed for five years unless by vote of the town; any person violating this provision shall forfeit not exceeding five hundred dollars, to be recovered in an action of debt by any school officer or person aggrieved. And when said committee have made such selection of school-books, they may contract, under section twenty-two, 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, and fix the retail price, which shall be marked on the title page of each book.

38 Me. 394.

II. They shall make provision for the instruction of all pupils in schools, supported by public money or under state control, in physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system.

III. After due notice and investigation, they shall dismiss any teacher, although having the requisite certificate, who proves 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 such dismissal shall not deprive the teacher of compensation for previous services.

3 Me. 453; 16 Me. 185.

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IV. Expel any obstinately disobedient and disorderly 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.

38 Me. 391.

V. Exclude, if they deem it expedient, any person not vaccinated, although otherwise entitled to admission.

VI. Prescribe the sum, on 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 the town may attend school in the town.

See c. 2, §§ 1, 5, 6.

VII. Determine what description of scholars shall attend each school, classify them, and transfer them from school to school where more than one school is kept at the same time.

Sec. 39. Secret societies prohibited. 1913, c. 34. No pupil of any public, elementary or secondary school shall participate in or be a member of any secret fraternity or secret society whatsoever that is in any degree a school organization. Superintending school committees shall enforce the provisions of this section and may expel or otherwise discipline any pupil for failure or refusal to comply with its provisions.

Sec. 40. School physicians appointed. 1909, c. 73, § 1. The superintending school committee of every city and town shall appoint one or more school physicians and shall assign one to the medical inspection of not over one thousand pupils of the public schools within its city or town, and shall provide them with all proper facilities for the performance of their duties as hereinafter prescribed; provided, however, that the said committee has been so authorized by vote of the town at a regular town meeting or at a special town meeting called for that purpose.

Sec. 41. Duties of physician. 1909, c. 73, § 2. Every school physician shall make a prompt examination and diagnosis of all children referred to him as hereinafter provided, and such further examination of teachers, janitors and school buildings as in his opinion the protection of the health of the pupils may require.

Sec. 42. Treatment of pupils. 1909, c. 73, § 3. The pupils so examined by school physicians, when treatment is necessary, shall not be referred to any school physician for such treatment unless such school physician is the regular family physician of such pupil; but shall be referred to the regular family physician of such pupil through the parents or guardian.

Sec. 43. Examination of pupils after absence on account of sickness. 1909, c. 73, § 4. 1915, c. 174. The superintending school committee shall cause to be referred to a school physician for examination and diagnosis every child returning to a school without a certificate from the board of health or family physician after absence on account of illness or whenever in the judgment of the teacher the circumstances of the absence were such as to require such a certificate, and every child in the schools under its jurisdiction who shows signs of being in ill health or of suffering from

infectious or contagious diseases, unless he is at once excluded from school by the teacher; except that in case of schools in remote and isolated situations, the school committee may make such other arrangements as may best carry out the purposes of sections forty to forty-seven, both inclusive.

Sec. 44. Notice of disease or defects. 1909, c. 73, § 5. The superintending school committee shall cause notice of disease or defects, if any, from which any child is found to be suffering, to be sent to his parents or guardians. Whenever a child shows symptoms of smallpox, scarlet fever, measles, chicken-pox, tuberculosis, diphtheria or influenza, tonsilitis, whooping-cough, mumps, scabies or trachoma, he shall be sent home immediately or as soon as safe and proper conveyance can be found, and the board of health and superintendent of schools shall at once be notified.

See c. 19, §§ 10, 50-63.

Sec. 45. Examination of sight and hearing; notice of defect or disability to parent or guardian. 1909, c. 73, § 6. The superintending school committee of every city or town shall cause every child in the public schools to be separately and carefully tested and examined at least once in every school year to ascertain whether he is suffering from defective sight, or hearing, or from any other disability or defect tending to prevent his receiving the full benefit of his school work, or requiring a modification of the school work in order to prevent injury to the child or to secure the best educational results. Tests of sight and hearing shall be made by the teachers or by the school physicians. The committee shall cause notice of any defect or disability requiring treatment to be sent to the parent or guardian of the child, and shall require a physical record of each child to be kept in such form as the state superintendent of public schools shall prescribe after consultation with the state board of health.

Sec. 46. State superintendent of schools shall prescribe directions for tests. 1909, c. 73, § 7. The state superintendent of public schools shall prescribe, after consultation with the state board of health, the directions for tests of sight and hearing, and shall prescribe and furnish to the school committees suitable rules of instruction, test cards, blanks, record books and other useful appliances for carrying out the purposes of the six preceding sections.

Sec. 47. Expense that may be incurred by city or town. 1909, c. 73, § 8. Expenses which a city or town may incur by virtue of the authority herein vested in the superintending school committee shall not exceed the amount appropriated for that purpose in cities by the city council and in towns by a town meeting. The appropriation shall precede any expenditure under the seven preceding sections, and the sum appropriated shall be deemed sufficient appropriation in the municipality where it is made. Such appropriation need not specify to what section it shall apply and may be voted as a total appropriation to be applied in carrying out the purposes of said sections.

Sec. 48. Application of §§ 40 to 47. 1909, c. 73, § 9. The provisions of the eight preceding sections shall apply only to cities and towns having a population of less than forty thousand inhabitants.

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Sec. 49. Superintendent, secretary of committee; his duties. R. S. c. 15, §§ 36, 39. 1905, c. 48, § 6. 1913, c. 112; c. 58, § 5. The superintendent of schools in every town shall be ex-officio, secretary of the superintending school committee, and shall perform such duties not herein enumerated as said committee shall direct.

I. He shall keep a permanent record of all its votes, orders and proceedings; he shall place all orders for materials and supplies purchased by vote of the committee and shall be its agent in keeping all financial records and accounts. He shall issue vouchers showing the correctness of bills contracted on account of school appropriations, but such bills shall not be allowed for payment by the municipal officers of towns unless they shall have been approved by a majority of the members of the superintending school committee.

II. He shall employ teachers, subject to the approval of the superintending school committee. Five days constitute the school week, and four weeks a school month.

III. He shall examine the schools and inquire into the regulations and discipline thereof, and the proficiency of the scholars, for which purpose he shall visit each school at least twice each term. At the annual town meeting, he 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 thereof, and transmit a copy to the state superintendent of public schools.

IV. He shall return under oath to the school committee, in April annually, a certified list of the names and ages of all persons in his town from five to twenty-one years, corrected to 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.

Sec. 50. Return to state superintendent of schools. R. S. c. 15, § 37. 1911, c. 121. He shall annually make returns to the state superintendent of public schools, of the number of persons between the ages of five and twenty-one years, together with a certified list of the names and ages of such persons, corrected to the first day of April preceding the time of making such returns, and give full and complete answers to the inquiries contained in the blank forms furnished him by law; certify that such statement is true and correct, according to his best knowledge and belief; and transmit it to the office of the state superintendent on or before the first day of each May. He shall also furnish such other information relating to the public schools as the state superintendent shall at any time require of him. When the state superintendent of public schools on examination of the census returns of any town is of the opinion that the census has been inaccurately taken, he shall make a statement thereof to the governor and council who may require the census of such town to be retaken and returned and, if they think necessary, they may for this purpose appoint persons to perform this service; and such persons so appointed shall take the same

oath, perform the same service and receive the same compensation out of the same funds as the person or persons who took the school census in the first instance; and the school fund distributable in proportion to enumeration of scholars shall be distributed on the corrected returns.

Sec. 51. Annual return of statistics. R. S. c. 15, § 38. 1905, c. 48, § 7. 1913, c. 4. He shall, on or before the first day of August, annually, make under oath a full and complete return of all educational statistics for the year ending the first day of July next preceding, and any town that shall fail, through its school officers, to make the return required by this section shall be liable to the provisions of section nineteen of this chapter.

Sec. 52. Flags to be furnished schools. 1907, c. 182. 1915, c. 176. Superintendents of schools shall see that the flag is displayed from the public school buildings on appropriate occasions. They shall report annually to the towns the amount necessary to furnish the public schools with suitable flags and flagstuffs and towns shall annually appropriate a sufficient amount to defray the necessary cost of the display of the flag. The appropriation for this purpose shall be separate from and additional to all other appropriations for schools. It shall be the duty of instructors to impress upon the youth by suitable references and observances the significance of the flag, to teach them the cost, the object and principles of our government, the great sacrifices of our forefathers, the important part taken by the Union Army in the war of eighteen hundred sixty-one to eighteen hundred sixty-five, and to teach them to love, honor and respect the flag of our country that cost so much and is so dear to every true American citizen.

See c. 1, § 6, ¶ xix.

Sec. 53. Exclusion of pupils from school on account of filth or disease; notice to parents. 1909, c. 31, § 1. When a teacher becomes aware or suspects that any of the pupils attending his school are in a condition which renders them a source of offense or danger to the other pupils in school on account of filthiness, or because they are the bearers of vermin or parasites, or have an infectious or contagious disease of the skin, mouth or eyes, he shall notify the superintendent of schools. When a superintendent of schools knows or learns that any of the pupils attending any school within his jurisdiction, are affected with any of the conditions, infections, or diseases herein mentioned, he shall notify the parents to cleanse the clothing and the bodies of the children and to furnish them with the required home or medical treatment, for the relief of their trouble, and he may, when he deems it necessary, exclude such children from the schools temporarily or until they may be cured, cleansed and disinfected.

Sec. 54. Duty of parents; penalty for neglect. 1909, c. 31, § 2. Parents thus notified of the condition of their children shall forthwith have them and their clothing cleansed and shall promptly do what is necessary, or furnish them such medical treatment as may be required, to rid the children of vermin, parasites, or contagion; any parent who fails to do what is required so that the children may return to school with as little loss of time as is possible, shall be punished by a fine not to exceed five dollars for the first offense, and not to exceed ten dollars for a second or subsequent offense.

See c. 19, §§ 50-63.

Superintendence of Schools Through the Union of Towns.

Sec. 55. School committees of two or more towns may unite in employment of superintendent; proviso as to number of schools; union shall continue for three years. R. S. c. 15, § 40. 1905, c. 55. 1909, c. 122, § 1. 1911, c. 92. 1913, c. 145, § 1. The superintending school committees of two or more towns, having under their care and custody an aggregate of not less than twenty, nor more than fifty schools, may unite in the employment of a superintendent of schools, provided they have been so authorized by a vote of their towns at the regular town meetings, or special town meetings called for that purpose. Provided further that such union shall not take effect until the state superintendent of public schools shall have approved the certificate of union as hereinafter provided; the committee of any town dissatisfied with the decision of the state superintendent may appeal to the governor and council who shall make the final decision relative thereto. Provided further, that, whenever it appears to the state superintendent of public schools, upon the representation of the school committees of certain towns that, owing to geographical situation or other reasons it is to the advantage of the state and of the said towns that a union shall include fewer than twenty or more than fifty schools, said state superintendent of public schools may approve the certificate of such union, and a union so formed shall, except for the number of schools, be governed by the conditions herein prescribed for unions of towns. A union of towns formed under the provisions of this section shall upon its first organization continue for a period of at least three years unless sooner dissolved by a two-thirds vote of the joint committee, but after the expiration of said three-year period any of the towns forming said union may at its annual meeting withdraw from said union and the remaining members may continue a union in accordance with the conditions herein prescribed as to the number of schools and upon the approval of a new certificate of union by the state superintendent of public schools. The joint committee of any union of towns may admit to said union any town or towns which have voted to join the said union; but such admission shall be subject to the conditions herein prescribed as to the number of schools and upon the approval of a new certificate of union by the state superintendent of public schools.

Sec. 56. Joint superintending school committees; annual meetings; organization; duties; choice of superintendent. R. S. c. 15, § 41. 1907, c. 101, § 1. 1909, c. 122, § 2. 1913, c. 138, § 1. The superintending school committees of the towns composing a union shall form a joint committee, and for the purposes of this section and the four following sections, said joint committee shall be held to be the agents of each town composing the union. Said joint committee shall meet annually at a day and place agreed upon by the chairmen of the committees of the several towns composing the union, and shall organize by the choice of a chairman and a secretary. They shall determine the relative amount of service to be performed by the superintendent in each town, including the minimum number of visits to be made each term to each school, fix his salary, apportion the amounts thereof to be paid by the several towns, which amounts shall be certified to the treasurers of said towns, respectively and to the state superintendent of

public schools, together with the amount apportioned to each town; provided, that the amount so certified shall be in proportion to the amount of service performed in the several towns. They shall choose by ballot a superintendent of schools for a term not exceeding five years, but the period of such election shall not exceed that for which the union of towns has been authorized.

Sec. 57. I. Certificate as to election of superintendent; state aid. R. S. c. 15, § 42. 1907, c. 101, § 2. 1909, c. 146. 1911, c. 191. 1913, c. 138, § 2. The chairman and secretary of said joint committee shall, upon the election of a superintendent of schools as provided by the preceding section, certify under oath to the state superintendent of public schools, upon the forms prescribed by him, all facts relative to said union and employment of a superintendent. Annually upon the first day of April and whenever a new superintendent is chosen said chairman and secretary shall make return of a similar certificate. Upon approval of said certificate the superintendent so employed shall, on presentation of proper vouchers, receive monthly out of the sum appropriated for superintendence of towns composing school unions and out of any moneys in the treasury not otherwise appropriated a sum equal to twice the aggregate sum paid by the towns composing the union, provided, that the amount so paid for the benefit of a single union of towns shall not exceed eight hundred dollars in one year, and provided further, that the annual appropriation for payments hereunder shall be deducted from state school funds.

II. Superintendent of more than fifty schools; state aid. 1909, c. 120, § 1. Whenever the chairman and secretary of school committees of towns and cities having under their care and custody an aggregate of more than fifty schools, shall certify under oath to the state superintendent of public schools, in the form prescribed by him, that a superintendent of schools has been employed by them for one year, and the salary that he has received, then upon the approval of said certificate by the state superintendent of public schools and presentation to the governor and council, a warrant shall be drawn upon the treasurer of state for the payment to the treasurer of that town or city, of a sum equal to three-fifths the amount expended by said town or city for said superintendence; provided, that the amount so paid for the benefit of a single town or city shall not exceed eight hundred dollars in one year.

Sec. 58. I. Appropriation for salary of superintendent. R. S. c. 15, § 43. 1907, c. 101, § 3. 1913, c. 145, § 2. The towns uniting for the purpose of employing a superintendent of schools shall appropriate for his salary their proportion of the sum paid said superintendent; and the amount to be paid by each town shall be determined by dividing the entire sum expended for superintendence among the towns composing the union in the proportion of the service performed in each town.

II. Conference of instruction shall be held. 1913, c. 138, § 3. The state superintendent of public schools shall annually hold a conference for the instruction of superintendents serving under the provisions of the three preceding sections; he may expend not exceeding five hundred dollars out of the appropriation for the superintendence of towns composing school

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unions, to assist in defraying the mileage expenses of those superintendents who live remote from the place of such conference; but no superintendent shall be entitled to any part of such expenses unless he shall regularly attend all sessions of such conference.

Sec. 59. Qualifications of superintendents; their powers and duties. R. S. c. 15, § 44. 1909, c. 120, § 2; c. 122, § 3. 1913, c. 138, § 4. Persons employed to serve as superintendents of schools under section fifty-six and section fifty-seven shall hold state certificates of superintendence grade which shall be issued upon such examination as may be prescribed by the state superintendent of public schools; they shall devote their entire time to superintendence, in the towns composing the union; provided, however, that they may, without violation of the provisions of this section, perform such educational service outside of the towns of their unions as may be performed with the approval of the state superintendent of public schools and with the consent of the committees employing them. The powers and duties of said superintendents shall be the same as those prescribed for town superintendents in this chapter.

Sec. 60. Appropriation exclusive of amount required for common school purposes; forfeiture for violation. R. S. c. 15, § 45. 1905, c. 48, § 8. 1909, c. 122, § 4. No town shall receive state aid under section fifty-seven unless its appropriation and expenditure for superintendence have been exclusive of the amount required by law for common school purposes. If any part of the money raised by the towns or union of towns, or paid to them by the state for superintendence, is expended for any other purposes than those provided for in said section, then each person so misappropriating said money shall forfeit double the sum so misapplied, to be recovered in an action of debt in the name and to the use of the town, by any inhabitant thereof; and no town or union of towns shall receive further aid under said section until the amount so misapplied has been raised and expended for superintendence by such town or union of towns.

Sec. 61. State superintendent may provide for professional supervision in remotely situated plantations; may direct visits. 1915, c. 179, § 1. Whenever the state superintendent of public schools shall find on investigation that any plantation is so situated that it is not practicable to form a union in accordance with the provisions of sections fifty-five to sixty, inclusive, he may, upon the petition of the superintending school committee of said plantation, place at the service of said committee the general agent for the schooling of the children in unorganized townships, who shall, when so assigned, serve as the superintendent of schools of said plantation; when the said agent shall so serve he shall have the same powers and shall perform the same service as superintendent of schools of towns; provided, however, that his visits to the schools of said plantation shall be at such intervals as may be directed by the state superintendent of public schools.

Sec. 62. Payment by plantation to treasurer of state. 1915, c. 179, § 2. Whenever the schools of any plantation shall be placed under the supervision of the general agent of unorganized township schools as provided by the preceding section, the treasurer of said plantation shall pay to the

treasurer of state a sum which shall be at the rate of twenty-five dollars annually for each of the schools of said plantation and the amount so received by the treasurer of state shall be added by him to the appropriation for the schooling of children in unorganized townships.

Compulsory Education.

Sec. 63. Towns may make by-laws concerning truants; approval. R. S. c. 15, § 46. Towns may make such by-laws, not repugnant to law, 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 such by-laws must be first approved by a judge of the supreme judicial court.

See c. 4, § 98, ¶ 1.

Sec. 64. Violation of by-laws. R. S. c. 15, § 47. Truant officers elected as provided in section sixty-eight shall alone make complaints for violations of said by-laws, and shall execute the judgments of the magistrate.

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Sec. 65. Truant children may be placed in suitable institutions. R. S. c. 15, § 48. Said magistrate, in place of fine, 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 as he thinks expedient, in the institution of instruction, house of reformation, or other suitable situation provided for the purpose under section sixty-three.

Sec. 66. Children between certain ages required to attend school unless excused or excluded by committee; penalty for neglect. R. S. c. 15, § 49. 1905, c. 48, § 9. 1909, c. 57. Every child between the seventh and fifteenth anniversaries of his birth and every child between the fifteenth and seventeenth anniversaries who cannot read at sight and write legibly simple sentences in the English language, shall attend some public day school during the time such school is in session, and an absence therefrom of one-half day or more shall be deemed a violation of this requirement; provided, that necessary absence may be excused by the superintending school committee or superintendent of schools or teachers acting by the direction of either; provided, also, that such attendance shall not be required if the child obtained equivalent instruction, for a like period of time, in an approved private school or in any other manner approved by the superintending school committee; provided, further, that children shall not be credited with attendance at a private school until a certificate showing their names, residence and attendance at such school signed by the person or persons having such school in charge, shall be filed with the school officials of the town in which said children reside; and provided, further, that the superintending school committee may exclude from the public schools any child whose physical or mental condition makes it inexpedient for him to attend. All persons having children under their control shall cause them to attend

school as provided in this section, and for every neglect of such duty shall be punished by a fine not exceeding twenty-five dollars or shall be imprisoned not exceeding thirty days.

See c. 49, § 21.

Sec. 67. Children may be allowed to attend school in adjoining town, on terms agreed upon; tuition. R. S. c. 15, § 50. Children living remote from any public school in the town in which they reside may be allowed to attend the public schools, other than a high school approved as provided in section eighty-five, in an adjoining town, under such regulations and on such terms as the school committees of said towns agree upon and prescribe, and the school committee of the town in which such children reside shall pay the sum agreed upon, out of the appropriations of money raised in said town for school purposes. Except as above provided, a child attending a public school, other than a high school approved as provided in section eighty-five, in a town in which his parent or legal guardian does not reside, after having obtained the consent of the school committee of such town, shall pay, as tuition, a sum equal to the average expense of each scholar in such school.

Sec. 68. Election of truant officers; their authority and duties; vacancies; penalty for neglect of duty. R. S. c. 15, § 51. 1905, c. 48, § 10. 1909, c. 238. 1911, c. 113. 1913, c. 79. The superintending school committee of every city and town shall annually elect one or more persons, to be designated truant officers, who shall inquire into all cases of neglect of the duties prescribed in section sixty-six and ascertain the reasons therefor and shall promptly report the same to the superintending school committee, and such truant officers or any of them, shall, when so directed by the school committee or superintendent, in writing, prosecute in the name of the state any person neglecting to perform the duties prescribed in said section, by promptly entering a complaint before a magistrate; and said officer shall, when notified by any teacher that any pupil is irregular in attendance, arrest and take such pupil to school when found truant; and further such officers shall enforce the provisions of sections one hundred forty-nine to one hundred fifty-one, inclusive, of this chapter. Truant officers, when so directed in writing by the superintendent of schools or the superintending school committee of their respective towns may visit the manufacturing, mechanical, mercantile and other business establishments in their several cities and towns during the hours in which the public schools of such city or town are in session, and ascertain whether any minors under the age of fourteen years are employed therein, and shall report in writing any cases of such employment to the superintendent of schools or the superintending school committee of their city or town; and if any minors are employed therein contrary to the provisions of chapter forty-nine, they shall also report in writing such illegal employment to the commissioner of labor and industry. The owner, superintendent, overseer or agent of all manufacturing, mechanical, mercantile or other business establishments, upon request shall produce for the inspection of such truant officers all work permits and vacation permits required to be kept on file in such establishments under chapter forty-nine. Superintending school

committees shall elect truant officers at their first meeting after the annual meeting of the town; they shall fill any vacancies occurring during the year and they may fix the compensation of said officers and said compensation shall be paid from the appropriation made for the salaries of municipal officers. Any truant officer neglecting any duty required of him under the provisions of this chapter shall be liable to a fine of not less than ten, nor more than fifty dollars; and any town failing through its superintending school committee to meet said provisions shall be liable to the provisions of section nineteen of this chapter.

Sec. 69. Habitual truant; truant officer shall make complaint. R. S. c. 15, § 52. 1913, c. 1. If a child without sufficient excuse, shall be habitually and wilfully absent from school or shall fail without such excuse to attend school for five day sessions or for ten half-day sessions within any period of six months, he shall be deemed an habitual truant; and the superintending school committee shall notify him and any person under whose control he may be that unless he conforms to section sixty-six, the provisions of the two following sections will be enforced against them; and if thereafter such child continues irregular in attendance, the truant officers or any of them shall, when so directed by the superintending school committee or superintendent, in writing, enforce said provisions by complaint.

Sec. 70. Persons responsible for truancy punished. R. S. c. 15, § 53. 1905, c. 48, § 11. Any person having control of a child, who is an habitual truant, as defined in the foregoing section, and being in any way responsible for such truancy, and any person who induces a child to absent himself from school, or harbors or conceals such child when he is absent, shall be punished by a fine not exceeding twenty dollars or shall be imprisoned not exceeding thirty days.

Sec. 71. Habitual truants may be committed to state institutions; truant officer may execute warrants. R. S. c. 15, § 54. 1905, c. 48, § 12. On complaint of the truant officer, an habitual truant, if a boy, may be committed to the state school for boys, or if a girl, to the state school for girls, or to any truant school that may hereafter be established. Municipal and police courts and trial justices shall have jurisdiction of such complaint and of the offenses described in sections sixty-six, sixty-eight and seventy. All warrants issued by said courts or trial justices upon such complaint, or for an offense committed under said sections, and all legal processes issued by said courts or trial justices for the purpose of carrying into effect the provisions of this section and of said sections sixty-six, sixty-eight and seventy, may be directed to and executed by the truant officer, or either of the truant officers, of the town where the offense is committed. All fines, collected under said two last named sections, shall be paid to the treasurer of the city or town in which the offense is committed, for the support of the public schools therein.

Note. Probation officers have authority of truant officers, c. 137, § 23.

Free High Schools, Academies and Seminaries.

Sec. 72. State aid to free high schools. R. S. c. 15, § 55. 1911, c. 109. No town shall receive state aid for the maintenance of a free high school unless its appropriation and expenditure for such school has been exclusive of the amounts required by law for common school purposes.

Sec. 73. Classification of high schools. 1909, c. 71, § 1. No school shall be regarded as a high school within the meaning of any of the provisions of this chapter unless such school shall be included in the following classes:

Class A. This class shall include such schools as maintain at least one approved course of study through four years of thirty-six weeks each and of standard grade, together with approved laboratory equipment, and shall employ at least two teachers; provided, the town, precinct or union maintaining such school shall appropriate and expend for instruction therein at least eight hundred and fifty dollars annually exclusive of all tuition received.

Class B. This class shall include such schools as maintain one approved course of study through at least two years of thirty-six weeks and of standard grade, together with approved equipment, provided, the town, precinct or union maintaining such school shall appropriate and expend for instruction therein at least five hundred dollars annually exclusive of all tuition received.

Class C. This class shall include such schools as maintain at least one approved course of study through four years of thirty weeks each; provided, the town, precinct or union maintaining such school shall appropriate and expend for instruction therein at least four hundred and fifty dollars annually exclusive of all tuition received.

Sec. 74. Reimbursement of towns. 1909, c. 71, § 2. A town, precinct or union maintaining a high school, as defined in the preceding section, shall be reimbursed by the state for two-thirds of the amount paid for instruction in such school; but in no case shall more than five hundred dollars be paid by the state to a town, precinct or union in any one year.

Sec. 75. Town not obliged to pay tuition under sections 85 and 86. 1909, c. 71, § 3. A town, precinct or union maintaining a high school, as provided in Class A of section seventy-three, shall not be obliged to pay tuition under sections eighty-five and eighty-six of this chapter. A town, precinct or union maintaining a high school, as provided in Class B of section seventy-three shall not be obliged to pay tuition for any pupil until he has completed the first two years of the course of the Class B school, and for only two years of subsequent work. A town, precinct or union maintaining a high school, as provided in Class C of section seventy-three, shall be obliged to pay tuition for such portion of a four years course as may be determined by the state superintendent of public schools.

Sec. 76. Schools shall be inspected annually. 1909, c. 71, § 4. 1915, c. 193. All schools of secondary grade receiving state aid shall be inspected under the direction of the state superintendent of public schools, and for this purpose he shall be authorized to expend not to exceed two thousand two hundred dollars annually, which sum shall be paid from the state appropriation for the support of high schools; and he shall determine what

schools are included in the classification of section seventy-three, what schools maintain the courses of study, what schools are entitled to state aid and what schools maintain approved courses for the reception of tuition scholars.

Sec. 77. When state aid is payable. 1909, c. 196; c. 71, § 5. State aid for free high schools under the provisions of the four preceding sections shall be payable annually in the month of December.

Sec. 78. Free high schools, number in any town limited; adjoining towns may maintain high schools; conveyance of pupils; towns shall receive and expend gifts, bequests and funds surrendered by academies; state aid; penalty for misapplication of money appropriated by state. R. S. c. 15, § 56. 1909, c. 148. Any town may establish and maintain not exceeding two free high schools; and in such case shall receive the same state aid as if the expenditure for both schools had been made for one. Two or more adjoining towns may unite in establishing and maintaining a free high school, and both shall receive the same state aid as if such school had been maintained by one town. Any town may, in addition to the sums raised for the support of high and common schools, raise and appropriate a sum for the payment of conveyance of pupils attending secondary schools, said sum to be expended under the direction of the superintending school committee. Towns shall receive in trust and faithfully expend gifts and bequests made to aid in the maintenance of free high schools, and shall receive aid in such cases to the same extent and on the same conditions as if such schools had been established and maintained by taxation; and any town shall receive such state aid on any expenditure for a free high school or schools, made from the funds or proceeds of the real estate of an academy or incorporated institution of learning, surrendered or transferred to such town for educational purposes; but if any part of the money so paid by the state, is expended for any other purpose than the support of such free high schools, as provided by this section, then each person so misapplying said money forfeits double the sum so misapplied, to be recovered in an action of debt, in the name and to the use of the town, by any inhabitant thereof; and no town shall receive further support from the state for any free high school, until the amount so received, but misapplied, has been raised and expended for such free high schools by such town.

Sec. 79. Free high school precincts, their organization, and continuance from year to year; sections of adjoining towns may organize precincts. R. S. c. 15, § 57. The inhabitants of any section of a town which fails or neglects to provide for the maintenance of free high schools, may organize a free high school precinct in the manner hereinafter provided, and may establish and maintain a free high school therein, and receive state aid the same as the town might have done; provided, that no more than two such free high schools shall be established in any town, and that the amount of aid extended to the precincts in any town shall not exceed the sum that the town might have received. On petition of any five voters resident in said section, reciting the limits of the precinct proposed, the municipal officers of the town shall call a meeting of the voters within said limits by causing notices, specifying the time, place and purposes of said meet-

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ing, to be posted in two or more conspicuous places within said limits seven days before the time appointed. Said meeting shall choose a moderator and a clerk who shall be sworn, and shall, by a majority vote of those present and voting, determine whether said precinct shall be organized. It shall choose an agent who shall be duly sworn. Such precinct may continue its organization from year to year by the holding of meetings called in the manner aforesaid, so long as the town shall neglect or refuse to support free high schools. Sections of adjoining towns may organize as herein provided, and unite in the support of such schools. But no more than two such precincts shall exist at the same time in any town.

Sec. 80. Location of school; schoolrooms, how supplied and furnished. R. S. c. 15, § 58. Any town, precinct or union of towns or precincts, voting to establish a free high school as herein provided, may locate the same permanently, or vote that the terms thereof be held alternately in such places within the town or towns, precinct or precincts, as may be selected, and as may accept said school. The town or precinct, in which said school is thus held, shall supply appropriate equipments, and furnish and warm a suitable building for the same; provided that any schoolhouse within such town or precinct may be used for such free high school, when not required for ordinary school purposes.

Sec. 81. Course of study. Schools to be free to the youth in any town or union of towns, precincts or union of precincts; admission of pupils from without towns or precincts. R. S. c. 15, § 59. The course of study in the free high schools, shall embrace the ordinary English academic studies which are taught in secondary schools, especially the natural sciences in their application to mechanics, manufactures and agriculture; but the ancient or modern languages and music shall not be taught therein except by direction of the superintending school committees having supervision thereof. Such schools, when established by any town or union of towns, shall be free to all the youth in such town or towns who have such scholastic attainments as will fit them to attend such schools with profit, and the superintendent, or superintending school committee, having supervision thereof shall make such examination of candidates for admission to said schools as they consider necessary.

When such school is established by any precinct or union of precincts, it shall be free in the same manner to the scholars within such precincts, and open also to scholars passing the required examination from without such precincts, but within the towns in which said precincts are situated, on payment to the agent of the precinct in which such school is located, of such tuition, to be fixed by the superintending school committee or committees having supervision of the same, as is equivalent to the cost a scholar of maintaining such school, after deducting the aid extended by the state. Whenever in the judgment of the superintending school committees having the supervision of any free high school or schools, the number of pupils in the same may be increased without detriment, scholars from without the towns directly interested in such school or schools, may be admitted to the same on passing the required examination and paying

such tuition as may be fixed by such committee, to the treasurer of the town in which the school is kept, when the school is maintained by a town or union of towns, or to the agent of the precinct in which the school is kept, when such school is maintained by a precinct or union of precincts.

Sec. 82. Free high schools subject to the school laws, except in certain cases; their management and supervision. R. S. c. 15, § 60. Free high schools, established and maintained under the foregoing provisions, are subject to the laws relating to common schools, so far as applicable, except as otherwise provided. When established and maintained by a town, they shall be under the supervision and entire management of the superintending school committee of such town. When established and maintained by a union of towns, such school shall be under the supervision and entire management of the school committees of such towns, who constitute a joint board for that purpose. When established and maintained by any precinct, such school shall be under the supervision of the superintending committee of such town, or of the state superintendent, when the precinct so elects, and under the financial management of the agent of the precinct, who, in connection with said committee or superintendent, shall employ teachers for the same. When established and maintained by precincts composed of sections of adjoining towns, such school shall be under the supervision of the superintending school committees of such towns, who constitute a joint board for that purpose, and under the financial management of the agents of both precincts, who, in connection with said committees, shall employ the teachers.

Sec. 83. Towns may raise money to maintain free high schools. R. S. c. 15, § 61. Towns and precincts may raise money for establishing and maintaining free high schools, and erecting buildings and providing equipments for the same, in the same manner as for supporting common schools and erecting schoolhouses.

Sec. 84. Provisions for pupils in towns having no free high schools. R. S. c. 15, § 62. 1905, c. 48, § 13. 1911, c. 88. 1915, c. 66. Any town which does not maintain a free high school of standard grade may, from year to year, authorize its superintending school committee to contract with and pay the superintending school committee of any adjoining town or the trustees of any academy located within such town or in an adjoining town, for the tuition of scholars within said town in the studies contemplated by the eleven preceding sections. When such contract has been made with the trustees of an academy a joint committee for the selection of teachers and the arrangement of the course of study in such academy shall include the superintending school committees of the contracting towns with an equal number of members of the board of trustees of such academy when such academy has less than twenty-five thousand dollars endowment. The expenditure of any town for tuition as provided in this section shall be subject to the same conditions and shall entitle such town to the same state aid as if it had made such expenditure for a free high school.

Sec. 85. A youth residing in a town not supporting a secondary school, may attend such school elsewhere; tuition shall be paid by town; free tuition while youth maintains satisfactory standards. R. S. c. 15, § 63. 1907, c. 73. 1909, c. 116. 1913, c. 57. 1915, c. 223. Any youth who resides with a parent or guardian in any town which does not support and maintain a standard secondary school, may attend any approved secondary school to which he may gain entrance by permission of those having charge thereof, provided the said youth shall attend a school or schools whose courses are approved by the state superintendent of public schools, and in such case the tuition of said youth, not to exceed thirty dollars annually for any one youth, shall be paid by the town in which he resides as aforesaid, and said tuition so paid, shall be made a part of the high school fund of the town receiving the same; and towns shall raise annually, as other school moneys are raised, a sum sufficient to pay such tuition charges; provided, however, that no youth shall be entitled to free tuition under the provisions of this section unless he shall have satisfactorily passed an examination in common school branches, said examination having been given under the direction of the superintendent of schools of the town wherein such youth resides, on papers procured from the state superintendent of public schools, or unless such youth shall have satisfactorily completed a standard common school course of study which has been approved by the state superintendent of public schools; except that any youth who has satisfactorily completed the course of a B or C class high school, as provided by section seventy-three, shall be entitled to his free tuition as hereinbefore provided for the completion of the four years of a standard secondary course without the examination herein prescribed; provided, further, that such free tuition privilege shall continue only so long as said youth shall maintain a satisfactory standard of deportment and scholarship. Any youth who otherwise meets the requirements of this section with reference to admission to secondary schools shall be entitled to the payment of his tuition, as herein provided, in any high school of the B or C class for such part of the course of such high school as may be approved as equivalent in grade to the corresponding years of a standard secondary course. Superintendents of schools shall issue certificates of free tuition privilege to persons who may be entitled to free tuition under the provisions of this section.

100 Me. 549; 101 Me. 553.

Sec. 86. Returns to state superintendent of public schools of expenditure for tuition. R. S. c. 15, § 64. 1909, c. 112. When any town shall have been required to pay and has paid tuition as aforesaid, the superintending school committee of such town shall make a return under oath to the state superintendent of public schools before the first day of September for the preceding school year, stating the name of each youth, for whom tuition has been paid, the amount paid for each, and the name and location of the school which each has attended, and thereupon shall be paid, annually in the month of December, from the state treasury out of the appropriation

for the support of free high schools, to each town paying tuition and making return as aforesaid, a sum equal to two-thirds of the amount thus paid by such town, not exceeding five hundred dollars.

See c. 4, § 31.

Sec. 87. Returns to state superintendent of expenditure for free high schools; state superintendent to certify amounts to which towns are entitled; appeal to governor and council; penalty for defrauding state. R. S. c. 15, § 65. 1909, c. 28. Superintendents shall, annually, before the first day of July, make returns under oath to the state superintendent of public schools on blanks prepared and sent out by him, of the amount appropriated and the amount expended by each town or precinct for instruction in such free high schools during the current year; also of the amount appropriated and the amount expended for common school purposes by each town maintaining the same; the number of weeks during which such schools have been taught; the wages paid each teacher; the number of pupils registered; the average attendance; the number of pupils in each branch of study pursued, and the amount received for tuition. If the state superintendent is satisfied that the provisions of sections seventy-two to eighty-four have been complied with, he shall certify to the governor and council the sum which each town or precinct is entitled to receive from the state. Any town or precinct, dissatisfied with his decision, may appeal to the governor and council, and the governor and council shall issue a certificate to the treasurer of the town or agent of the precinct, for such amount as they adjudge such town or precinct entitled to receive from the state treasury. Any person connected with the management of such free high schools, either as teacher, agent or superintendent, who in any way aids or abets in defrauding the state into the payment in support of said schools of more than is contemplated by this chapter, shall forfeit not less than five hundred dollars, or be imprisoned in the county jail not less than one year.

Sec. 88. High school precinct taxes, how assessed and collected. R. S. c. 15, § 66. When a free high school precinct votes to raise money for establishing and maintaining a free high school, its clerk shall forthwith, or within the time prescribed by the precinct, certify the amount thereof to the assessors of the town, and the time when it must be raised; and within sixty 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 precinct at the time of raising said money, whether wholly in their town or not, and on the non-resident real estate in the precinct. They shall then make their warrant in due form of law, directed to any collector of their town if any, if not to a constable, requiring him to levy and collect such tax and pay it to the town treasurer within the time limited in the warrant; and they shall give a certificate of the assessment to such treasurer, and may abate such taxes as in the case of town taxes.

12 Me. 258; 15 Me. 260; 28 Me. 203; 31 Me. 284; 35 Me. 397; 39 Me. 187; 41 Me. 505; 51 Me. 102; 60 Me. 280; 74 Me. 411.

Sec. 89. Assessors authorized to assess overlay. R. S. c. 15, § 67. The assessors may include in their assessment such sum over and above the sum committed to them to assess, not exceeding five per cent thereof, as a fractional division renders necessary, and certify that fact to the town treasurer.

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Sec. 90. Expense of assessment. R. S. c. 15, § 68. The town treasurer shall pay the expense of assessing and collecting any free high school precinct tax out of the money of the precinct, upon the order of the selectmen.

73 Me. 181.

Sec. 91. Precinct taxes assessed without authority. R. S. c. 15, § 69. Section thirty-one of chapter eleven, and all other sections relating to the same subject apply to taxes assessed by or for free high school precincts, so far as applicable; but the precinct and not the town is liable.

77 Me. 415.

Sec. 92. Powers and duties of collectors; their compensation. R. S. c. 15, § 70. The collector or constable, and the town treasurer, or treasurer and collector, if one person is both, each have the same powers and are subject to the same duties and obligations in relation to free high school precinct taxes, as to town taxes; and they and the assessors shall be allowed by the precinct for their services, a compensation proportionate to what they receive from the town for similar services.

31 Me. 281; 41 Me. 247; 67 Me. 240.

Sec. 93. Money at disposal of agent. R. S. c. 15, § 71. The money so raised and paid shall be at the disposal of the precinct agent, to be by him expended as provided in section eighty-two.

Sec. 94. Trustees of academies, etc., may surrender property to establish free high schools. R. S. c. 15, § 72. The trustees of any academy or other corporation formed for educational purposes may by a majority vote of such of said trustees as reside in the state, surrender the whole, or any part of the property belonging thereto, to the municipal officers of any town, or the trustees of any school fund in any town in which said academy or corporation is situated, for turning the same into a free high school as hereinafter provided, and said municipal officers or trustees, for the time being, shall be a board of trustees to take and hold said property for maintaining a free high school; and upon receiving said property, they shall use proper diligence to make the same produce income for the support of said free high school.

Sec. 95. Property, how conveyed. R. S. c. 15, § 73. When such vote is so passed, the treasurer of said trustees shall convey, assign and deliver to the municipal officers of said town, or the trustees of such fund, all property belonging to said academy or corporation for the purposes indicated by the preceding section.

Sec. 96. Income of property, how applied; qualification of pupils, how determined. R. S. c. 15, § 74. 1913, c. 70, § 1. The municipality accepting the property in trust, as named in section ninety-four, shall apply the income thereof towards the support of a free high school to be kept within said municipality, within the requirements of the laws relating to the establishment and maintenance of free high schools, and provide suitable accommodations for the same; the superintending school committee in said municipality shall determine the qualifications necessary to entitle any applicant to enter or attend said free high school, and no one shall attend it without certificate of said officers to that effect.

Sec. 97. Tuition to be paid by non-residents. R. S. c. 15, § 75. All scholars residing within the municipality aforesaid, having such certificate, may attend said school without tuition fee, and all scholars not residents of said municipality, may attend said school upon such terms and conditions as said superintending school committee may impose.

Sec. 98. State aid to academies. R. S. c. 15, § 76. 1907, c. 102, § 1. Whenever it shall be made to appear to the governor and council, from returns made as herein provided, that any incorporated academy in the state is prepared to give instruction equivalent to that required by law to be given in free high schools, that the pupils attending the said academy, are qualified to receive such instruction, and that the teachers in the said academy have the qualifications fitting them to give instruction in secondary school studies, such academy shall be entitled to receive annually from the state a sum not exceeding five hundred dollars in case it maintains an English secondary school course of study as prescribed by the state superintendent of public schools, or a sum not exceeding seven hundred and fifty dollars in case it maintains in addition to an English course, a college preparatory course, or a sum not exceeding one thousand dollars in case it maintains an English course, a college preparatory course and a training course for teachers; provided, that the courses of study herein named shall be subject to the approval of the state superintendent of public schools, and provided, that the amount paid by the state to any academy under this section shall be expended by the said academy for instruction during the year for which payment is made, and shall not exceed the total income of the said academy from all other sources; and provided, further, that in addition to the amount received from the state, a sum equal thereto shall be expended for instruction and maintenance of the academy during said year; and provided, further, that every academy receiving money from the state under this section shall provide instruction as contemplated by this section for not less than thirty weeks in each year; and provided further, that no academy shall be credited with maintaining a course of study under this section unless the said academy shall have an average of not less than twelve students in said course.

Sec. 99. Mode of payment. R. S. c. 15, § 77. The governor and council may draw warrants on the treasurer of state for the payment annually to the legal representatives of such academies, as shall be entitled to receive money from the state under the preceding section, at the times and in the manner provided by law for the payment of money in aid of free high schools, of the amounts to which they shall be severally entitled thereunder; provided, that no payment shall be made to any academy until the state superintendent of public schools shall have certified to the governor and council all the facts which by law are made necessary to entitle an academy to receive money from the state under the preceding section.

Sec. 100. Conditions of state aid. R. S. c. 15, § 78. 1913, c. 70, § 2. No town shall receive state aid under the provisions of section eighty-four of this chapter if a free high school of standard grade is maintained in such town.

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Sec. 101. Incorporation. R. S. c. 15, § 79. 1907, c. 91. No academy shall receive state aid under section ninety-eight unless incorporated prior to May one, nineteen hundred and seven.

Sec. 102. Attendance. R. S. c. 15, § 80. 1907, c. 102, § 2. No academy shall receive state aid under section ninety-eight unless the average attendance in said academy for the year preceding or for five years next preceding, shall exceed thirty students, and no academy shall receive to exceed five hundred dollars unless the average attendance in said academy for the year preceding shall exceed sixty students.

Sec. 103. Income. R. S. c. 15, § 81. 1915, c. 205. No academy shall receive state aid under section ninety-eight if said academy has an annual income from invested funds exceeding two thousand dollars; and no academy shall receive state aid to exceed five hundred dollars in any given year provided the said academy has an annual income from invested funds exceeding one thousand dollars; provided, however, that any academy with a larger average attendance than two hundred shall receive such aid not to exceed one thousand dollars if its annual income from invested funds, after deducting interest paid on its indebtedness, does not exceed two thousand dollars.

Sec. 104. Institutions receiving state aid shall make report to superintendent of public schools; construction of terms. R. S. c. 15, § 82. Every educational institution receiving state aid, and the officers and teachers of every academy receiving money from the state under the six preceding sections, shall annually, on or before the first day of January, report to the state superintendent of public schools the total and average attendance, an itemized account of all the moneys received and expended during the preceding year, the number of instructors, number and length of terms, with attendance for each, and answer such other questions as he shall require, and shall make such further report to him as he may from time to time require. Such reports shall be published in the annual report of the state superintendent of public schools. Every such educational institution failing to comply with the above requirements shall forfeit whatever aid or assistance it would otherwise receive from the state. Wherever in sections ninety-eight to one hundred and four, inclusive, the word "academy" occurs, it shall be construed to include "seminary or institute."

Duties and Qualifications of Instructors.

Sec. 105. Presidents of colleges, tenure of office. R. S. c. 15, § 83. Presidents of colleges are removable at the pleasure of the trustees and overseers, whose concurrence is necessary for their election.

Sec. 106. Fees for degrees conferred. R. S. c. 15, § 84. No officer of a college shall receive as perquisites any fees for a diploma or medical degree conferred by such college, but such fees shall be paid into the college treasury.

Sec. 107. Teachers shall keep school register; not to be paid until register is completed. R. S. c. 15, § 85. 1909, c. 74. Every teacher of a public school shall keep a register thereof, containing the names of all scholars who enter the school, their ages, the dates of each scholar's entering and

leaving, the number of days during which 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 forms furnished him. Such register shall at all times be open to the inspection of the superintending school committee, and be returned to them at the close of the school. Teachers may be paid for their services at the close of each school month, but no teacher shall receive final payment for services for any term until the register herein described, properly filled, completed and signed, is deposited with the school committee, or with the person designated by them to receive it.

See c. 49, § 34; 63 Me. 244.

Sec. 108. Instructors of colleges, etc., to inculcate morality, justice, truth, industry and patriotism; kindness to birds and animals shall be taught in public schools. R. S. c. 15, § 86. 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 ornament 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, secure the blessings of liberty, and to promote their future happiness; and the tendency of the opposite vices, to slavery, degradation and ruin; all teachers in the public schools of the state shall devote not less than ten minutes of each week of the school term, to teaching to the children under their charge, the principles of kindness to birds and animals.

78 Me. 511.

Sec. 109. School holidays. Special observance of Washington's birthday and Columbus day. R. S. c. 15, § 88. 1905, c. 48, § 14. 1907, c. 48, § 1. 1909, c. 190, § 1. 1911, c. 23. 1913, c. 195. The following days shall be observed as school holidays, namely: Washington's birthday, February twenty-two; Patriot's day, April nineteen; Memorial day, May thirty; Independence day, July four; Labor day, first Monday in September; Columbus day, October twelve; Christmas day, December twenty-five; Thanksgiving and Arbor day, as appointed by the governor and council. Provided, however, that Arbor day, shall not be recognized as a school holiday unless observed by teacher and pupils for the purpose for which it is designated by the governor and council. And provided, further, that Lincoln day shall be observed by devoting some part of the day to the study of the life and character of Abraham Lincoln. All teachers of public schools in the state may close their schools and draw pay the same as if their schools had been in session on any of the following days: Patriot's day, April nineteen; Memorial day, May thirty; Independence day, July four; Labor day, first Monday in September; Christmas day, December twenty-five; Thanksgiving day, as appointed by the governor and council. When any one of the above named holidays falls on a Sunday, the Monday following shall

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be observed as a school holiday, with all the privileges applying to any of the days above named. In addition to the foregoing each of the days hereinafter named shall, upon vote of the superintending school committee of any town, be observed by teachers and pupils of the public schools of said town by an exercise appropriate thereto, such exercise to be held during such part of the school session as the teacher of each school may designate. The exercises so held shall aim to impress on the minds of the youth the important lessons of character and good citizenship to be learned from the lives of American leaders and heroes and from a contemplation of their own duties and obligations to the community, state and nation of which they constitute a part. In the absence of any vote of the superintending school committee said days, hereinafter designated, shall be observed as legal school holidays with the closing of schools. The days thus designated for school observance upon vote of the superintending school committee of any town shall be as follows: Washington's birthday, February twenty-two; Columbus day, October twelve.

Teachers' Associations.

Sec. 110. Teachers and school officers may form associations for improvement in art of teaching. R. S. c. 15, § 89. Whenever not less than thirty of the teachers and school officers of any county shall have formed an association under rules of government approved by the state superintendent of public schools, for the purpose of mutual improvement in the science and art of teaching, and of creating popular interest in, and diffusing a knowledge of the best methods of improving our public school system, by the holding of conventions at least once every year under the supervision of the state superintendent, the state shall defray the necessary expenses attending the holding of such conventions, for which purpose the sum of one thousand dollars is hereby annually appropriated to be deducted and set aside therefor by the treasurer of state from the annual school fund of the state; provided, however, that no more than two such associations shall be formed in any county, and that the expenses as aforesaid of no more than two conventions of any such association in any year shall be defrayed by the state.

Sec. 111. Teachers may suspend schools during conventions. R. S. c. 15, § 90. Teachers of public schools may suspend their schools for not more than two days in any year during the sessions of such conventions within their counties and also for not more than two days in any year during the sessions of any state teachers' convention approved by the state superintendent of public schools, unless otherwise directed in writing by the school officers, and attend said conventions without forfeiture of pay for the time of such attendance, provided they shall present to the officers employing them, certificates signed by the secretaries of such conventions and countersigned by the state superintendent of public schools, showing such attendance.

Sec. 112. Governor to draw warrants to pay expenses. R. S. c. 15, § 91. 1909, c. 30. The governor and council may draw warrants on the treasurer of state for the payment of bills for the expenses provided for in section

one hundred and ten, when such bills shall have been approved by the state superintendent of public schools, provided, however, that no bills shall be so paid except those for advertising such conventions, and for services and actual traveling expenses of speakers and lecturers not residing in the counties in which such conventions are held.

Schools in Plantations and Unorganized Townships.

Sec. 113. Powers of plantations to maintain schools. R. S. c. 15, § 92. Plantations have the same powers and liabilities as towns for electing superintending school committees, superintendents of schools, treasurers and collectors, and for raising, assessing and collecting school money, to be apportioned and expended as 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.

See c. 4, § 140; 61 Me. 449.

Sec. 114. School moneys of plantations, how expended. R. S. c. 15, § 93. All moneys due plantations from the state treasury for school purposes, shall be paid to the treasurers of such plantations, under the same conditions as in case of towns, and the same shall be expended by such plantations, under the same restrictions and limitations as are required of towns.

Sec. 115. Schooling of children in unorganized townships, provided for. R. S. c. 15, § 94. 1909, c. 87, § 1. Whenever in any unorganized township in the state there shall be two or more children between the ages of five and twenty-one years, the state superintendent of public schools shall cause an enumeration of said children to be made and returned to him, and shall provide for the schooling of said children, either by establishing a school in the township, or by sending the children to schools in adjoining towns or plantations, or both, as shall by him be deemed expedient. In case any of said children are, by the state superintendent, sent to schools in adjoining towns or plantations, said children so sent shall have the same rights in such schools as children resident in said town or plantation. Provided, however, that in case the interest on the reserved fund in any unorganized township together with the amount arising from the per capita tax called for in this section, is not sufficient to provide schooling for the children of said township for at least thirty weeks in a year, the remainder of the expense shall be paid from the fund appropriated by section one hundred and eighteen. Provided, further, that no money shall be expended under this section for the benefit of any township until the inhabitants of said township shall have been assessed by the duly appointed agent therefor the sum of forty cents for each of said inhabitants resident therein on the first day of April, and said agent shall have made return of such assessment to the state superintendent of public schools.

109 Me. 176.

Sec. 116. Return cost of schooling; payment from reserved land fund. R. S. c. 15, § 95. The state superintendent of public schools shall certify to the governor and council the number and residences of the children

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enumerated and schooled, as provided in the preceding section, together with the cost of schooling said children, and the governor and council shall direct the treasurer of state to pay the state superintendent of public schools so much of the interest on the reserved land fund of the township in which said children reside as, added to the amount received from the inhabitants of the township from the per capita tax, shall pay the expense of said school. The state superintendent of public schools shall pay to the treasurer of any town or plantation in which he may school any of said children, such amount for each scholar as shall be his proportional part of the cost of the school to which he is sent.

Sec. 117. School agents, their appointment, authority and duties. Supply of text-books. R. S. c. 15, § 96. 1909, c. 87, § 2. 1911, c. 24. The state superintendent of public schools may appoint agents for the several townships in which schools shall be established under section one hundred and fifteen, who shall, under the direction of the state superintendent, enumerate the pupils, assess and collect the per capita tax, employ the teacher and attend to all necessary details in connection with said school; for which purpose the state superintendent is hereby authorized to expend annually from the appropriation for the support of schools in unorganized townships a sum not exceeding two thousand two hundred dollars. Said agents in the collection of the per capita tax aforesaid, shall have the same powers and may use the same methods as collectors of taxes in towns are authorized to exercise and use for the collecting of personal and poll-taxes committed to them; said agents may act as truant officers in their several townships, and may in their discretion compel the regular daily attendance at school of every child in their townships between the seventh and seventeenth anniversaries of his birth by arresting and taking to school any child when absent therefrom, and any parent or guardian of any such child or children, wilfully refusing to allow said children under his control to attend school, or opposing said agent in arresting and taking said children to school, may be prosecuted by said agent in the name of the state before the nearest trial justice, and if found guilty shall forfeit a sum not exceeding twenty dollars for the use of the schools in the township wherein said children are residents, or shall be imprisoned for not exceeding thirty days. The state superintendent may supply schoolbooks for the schools established under said sections under such conditions as to the purchase and care thereof as he may deem proper.

Sec. 118. Appropriation. R. S. c. 15, § 97. 1913, c. 162. 1915, c. 73. For the purpose of carrying out the provisions of the three preceding sections, there is hereby appropriated the sum of twenty-five thousand dollars annually, which sum shall be deducted and set aside therefor by the treasurer of state from the annual school funds of the state.

109 Me. 172.

Sec. 119. Youths in unorganized townships may attend any secondary school; tuition. 1909, c. 62. Any youth who resides with a parent or guardian in any unorganized township in which schools are regularly maintained may attend any secondary school in the state to which he may gain entrance by permission of those having charge thereof, provided said school

shall be of standard grade approved by the state superintendent of public schools. In such case the tuition of such youth not to exceed thirty dollars annually shall be paid by the state under such provisions and regulations as may be made by the state superintendent and approved by the governor and council.

State Superintendent of Public Schools.

Sec. 120. Appointment and term of office. R. S. c. 15, § 98. The governor with the advice and consent of the council shall appoint a state superintendent of public schools, who shall continue in office three years, or during the pleasure of the executive; vacancies shall be filled by a new appointment for a like term.

Sec. 121. Office at the capital. R. S. c. 15, § 99. 1907, c. 171, § 1. 1909, c. 125, § 1. 1913, c. 12, § 1. An office shall be provided for him at the seat of government, where he shall perform his official duties, not meaning, however, to prohibit him from making such necessary journeys and performing such duties as are necessary or incidental to the immediate object of such journey; he shall there preserve all school reports of this state and of other states which he may receive, the returns from the various towns, and institutions of learning 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.

Sec. 122. Duties. R. S. c. 15, § 100. 1915, c. 198. In addition to the duties elsewhere specifically imposed on him his duties are as follows:

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

II. To obtain information as to the school systems of other states and countries, and the condition and progress of public school education throughout the world; to disseminate this information, with such practical hints upon the conduct of schools, improved systems of instruction, and the true theory of education as observation and investigation convince him to be important, by public addresses, circulars and articles prepared for the press, and by outlines, suggestions and directions concerning the management, discipline and methods employed in teaching, prepared for and distributed among the teachers of the schools and school officers of the state; and to do all in his power to awaken and sustain an interest in education among the people, and to stimulate teachers to well directed efforts in their work.

III. To take such measures as he deems necessary to secure the holding of a state educational convention once each year, with a view of bringing together the teachers, school committees, school superintendents, and friends of education, for consultation with reference to the interest of public schools and the most approved method of instruction.

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IV. To encourage the formation of county teachers' associations, approve rules of government therefor, and to supervise the conduct of conventions held by such associations. He shall also conduct summer training schools for teachers, whenever provision is made by the legislature for holding such schools.

V. To prepare and cause to be printed and distributed such portions of the proceedings of state institutes or teachers' conventions as he deems important in the furtherance of education.

VI. Biennially, as soon as practicable after the adjournment of the legislature, to compile and distribute, in pamphlet form, to the municipal and school officers of the several towns, three thousand copies of the amended school laws of the state; and to prepare and issue thus biennially, such circulars of information and advice to school officers, relating to new school enactments, as he shall deem necessary for the intelligent and effectual enforcement of such enactments.

VII. To prescribe the studies to be taught in the common schools, reserving to town committees the right to prescribe additional studies, and the course of study prescribed by the state superintendent of schools shall be followed in all public schools; provided, however, that upon the approval by the state superintendent of any course arranged by the superintending school committee of any town said course shall be the authorized course for said town.

VIII. To furnish to the school officers of each town, proper blank books in which shall be kept complete and itemized records of all matters relating to moneys appropriated, received and expended for schools, which said books shall remain the property of the state.

IX. To assume the control and management of all free public schools established and maintained by gifts or bequests, when said gifts or bequests are conditioned upon said state superintendent assuming such control and management; and he shall carry out the provisions upon which such gifts or bequests are conditioned, when said conditions are approved by the governor and council.

X. To perform all duties imposed upon him by any charter or charters granted by the legislature to educational institutions in the state.

XI. Annually, to report to the governor and council 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 public schools.

Sec. 123. Superintendent to furnish blanks for fiscal returns, and return list of towns making same. R. S. c. 15, § 101. The state superintendent shall prepare and furnish to the town officers such blanks as he deems proper to secure the fiscal returns required in section thirty-one. He shall return to the treasurer of state on the first day of July annually, a list of such towns as have made such fiscal returns; and no school moneys shall be paid by the treasurer of state to any town, so long as it neglects to make such returns.

Sec. 124. Superintendent to prepare and forward blanks for school returns. R. S. c. 15, § 102. 1913, c. 99. He shall prepare and print blank forms for all other returns required by law, or deemed by him necessary, and shall, on the first day of each March, forward to the superintendents of schools of the several towns, blanks for the annual school return as provided in section fifty, and shall, on the first day of each May, forward to said superintendents blanks for the returns required by section fifty-one.

Sec. 125. Notice to delinquent committees. R. S. c. 15, § 103. He shall, on the first day of each 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 five and twenty-one years of age, in the towns from which returns are received, and furnish a list thereof to the treasurer of state.

State Examinations of Teachers.

Sec. 126. State examinations of teachers. 1913, c. 58, § 1. The state superintendent of public schools shall cause to be held at least once each year at such times and at such places as he may designate, public examinations of candidates for the position of teachers in the public schools.

Sec. 127. Tests required. 1913, c. 58, § 2. The examination herein provided for shall test the professional as well as the scholastic abilities of the candidates and shall be conducted by such persons or agents and in such manner as the state superintendent may determine. Due public notices of the times, places and other conditions of the examinations shall be given.

Sec. 128. Certificates issued by state superintendent; knowledge of physiology and hygiene requisite. Certificates may be granted without examination. R. S. c. 15, § 36, ¶ II. 1913, c. 58, § 3. 1915, c. 74. Certificates of qualification signed by the state superintendent of public schools shall be granted to all candidates who pass satisfactory examinations in such branches as are required or permitted by law to be taught in the public schools and who in other respects fulfil the proper requirements; provided, however, that no person shall be eligible for a certificate unless he is at least seventeen years of age and has completed not less than a standard secondary school course, or unless he shall present satisfactory evidence of such educational attainment otherwise secured as may be adjudged by the state superintendent of public schools to be the equivalent of said standard secondary school course. Such certificate shall be either probationary or permanent, and shall indicate the grade of schools which the person named therein is qualified to teach. No certificate shall be granted to any person to teach in the public schools of the state, who has not passed a satisfactory examination in physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system. Provided, however, that the certificate may be granted without the examination herein prescribed to graduates of colleges and Maine state normal schools, or of other normal training schools having a two years' course for graduates of high schools or academies, and to teachers of two

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years' service and satisfactory fitness, on the presentation of such evidence of fitness and under such special conditions as the state superintendent of public schools may prescribe. Provided, further, that certificates may, under the rules prescribed by the state superintendent, be granted to persons holding state certificates granted by authority of other states. Provided, further, that any certificate granted under this or any preceding law may for sufficient cause be revoked and annulled.

Sec. 129. List of persons certificated shall be kept. 1913, c. 58, § 4. A list of persons so certificated shall be kept in the office of the state superintendent of public schools and copies of the same with such information as may be desired shall be sent to school committees and superintendents upon their request.

Sec. 130. Persons not holding state certificate shall not be employed. 1913, c. 58, § 5. No person shall be employed to teach in any school under the supervision and control of any local school board of any city, town or plantation of this state, who does not hold a state certificate as herein provided. Provided, however, that any person not holding a state certificate may be granted not more than one temporary non-renewable teaching permit for a period not to exceed one year, such permit to be issued upon examination by the superintendent of schools of the town in which such person is employed and the form of such permit shall be prepared by the state superintendent of public schools and shall be furnished by him upon application of the superintendent of schools of any town. No person shall be eligible to a teaching permit unless he shall meet the requirements of section one hundred and twenty-eight in relation to age and educational preparation. Provided, further, that all state certificates heretofore granted shall continue in force in accordance with the terms stated therein.

Sec. 131. Penalty for teaching without certificate. 1913, c. 58, § 6. Whoever teaches a public school without first obtaining a state teachers' certificate or a temporary teaching permit as herein provided, forfeits not exceeding the sum contracted for his daily wages, for each day he so teaches and is barred from receiving pay therefor.

Sec. 132. Appropriation. 1913, c. 58, § 7. For the necessary expenses of carrying out the provisions of the six preceding sections there may be annually expended the sum of one thousand dollars, which sum the treasurer of state shall deduct for said purpose from any school money raised for the support of common schools.

Industrial Education.

Sec. 133. Duty of state superintendent of public schools. 1911, c. 188, § 1. The state superintendent of public schools shall be charged with the duty of extending the investigation of methods of industrial education; he shall advise and aid in the introduction of industrial courses into free high schools and academies aided by the state and shall report on all special schools in which industrial education is provided. He shall inspect the courses of study offered in such free high schools and academies and he shall have authority to approve such courses in all schools aided by the state.

Sec. 134. Manual training shall be introduced into all normal schools. 1911, c. 188, § 2. 1913, c. 37, § 1. The trustees of the state normal schools shall cause to be introduced into all of the said normal schools such courses in manual arts, domestic science and agriculture as will enable their graduates to teach elementary courses in those subjects in the rural and grade schools. In not more than one of said schools the course in manual training shall be so extended as to offer opportunity to persons desiring to qualify as special teachers of that branch, and in not more than one the course in domestic science shall be so extended as to offer similar opportunity to persons desiring to qualify as special teachers thereof. For the two special courses thus offered the trustees are authorized to expend annually not to exceed six thousand dollars, which shall be additional to other sums appropriated for the support of said normal schools and which the treasurer of state shall deduct from any funds raised for the support of common schools.

Sec. 135. State aid to towns maintaining manual training in elementary schools. 1911, c. 188, § 3. Whenever the superintendent of schools of any town shall certify under oath to the state superintendent of public schools according to a form prescribed by him that instruction in manual training or domestic science has been provided pupils of elementary schools for the year preceding, then upon approval of such certificate by the state superintendent of public schools, state aid shall be paid to the amount of two-thirds the total salary paid each teacher; provided, that the amount so paid by the state for the employment of any one instructor shall not exceed eight hundred dollars in one year; and provided further, that the appropriation made by the town for this purpose shall be exclusive of any other sum received from the state for the support of common schools and of the minimum requirement raised by the town as prescribed by section sixteen of this chapter; and provided further, that the course of study, equipment and qualifications of instructors shall have been approved by the state superintendent of public schools.

Sec. 136. State aid for maintaining manual training in high school or academy. 1911, c. 188, § 4. The superintending school committee having charge of any free high school, or the trustees of any incorporated academy may provide for instruction therein in the principles of agriculture and the domestic and mechanic arts. Whenever it shall be made to appear to the governor and council, from returns made as herein provided, that in any free high school or academy instruction has been furnished during the preceding year in the principles of agriculture, the mechanic arts or domestic science, the governor and council shall direct the treasurer of state to pay to the town supporting such free high school, or to the treasurer of such academy, in addition to other state aid if any, a sum equal to two-thirds the total expenditure for instruction in each of said courses; provided, however, that no school shall receive a total in excess of five hundred dollars in any one year for the support of said courses; and provided, that state aid shall not be allowed for any course which has an average

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attendance of less than twelve students; and, provided further, that such aid shall not be granted unless the course of study, equipment and qualifications of instructors shall first have been approved by the state superintendent of public schools.

Sec. 137. State aid to towns maintaining manual training in evening school. 1911, c. 188, § 6. 1915, c. 90. Whenever the superintending school committee of any town shall have maintained during the school year an evening school as provided by section twenty-five, said town shall be reimbursed by the state a sum equal to two-thirds the amount paid for instruction in such evening school, provided there shall have been offered, in addition to the subjects elsewhere prescribed for evening schools, courses in the commercial branches, the domestic and manual arts or the elements of the trades, said courses to be subject to the approval of the state superintendent of public schools; no town shall be entitled to receive a reimbursement under the provisions of this section, unless the total average attendance in said courses shall equal not less than twenty-five per cent of the average attendance of the school.

Sec. 138. State aid to towns maintaining general industrial schools; duty of school committee and superintendent of schools. 1911, c. 188, § 7. The superintending school committee of any town when authorized by vote of the town shall establish and maintain as a part of the public school system of such town a general industrial school for the teaching of agriculture, household science, the mechanic arts and the trades. Such general industrial schools shall be open to pupils who have completed the elementary school course or who have attained the age of fifteen years. The authority and duties of the superintending school committee and of the superintendent of schools in relation to such industrial schools shall be the same as in the case of the common and high schools, but the support of such schools shall be derived from funds raised in addition to any sums appropriated for the support of common and high schools. Whenever it shall be made to appear to the governor and council that any town has provided instruction in the trades and industries in a general industrial school maintained therein for a period of thirty-six weeks during the school year, and employing at least one teacher whose work is devoted exclusively to such instruction, and having an average attendance of at least twenty pupils, the governor and council shall direct the treasurer of state to pay to the treasurer of such town a sum equal to two-thirds the total amount spent for instruction in said school, provided that not more than two thousand dollars shall be paid by the state to any one town in any year.

Sec. 139. Deduction from school and mill fund; reports to the state superintendent of schools. 1911, c. 188, § 8. 1913, c. 37, § 2. 1915, c. 143. For the purposes of the seven preceding sections there shall be deducted annually by the treasurer of state from the school and mill fund the sum of fifty thousand dollars and any unexpended balance of this amount shall be added to the permanent school fund. All reports required under said sections shall be filed annually with the state superintendent of public schools on or before the first day of July, and state aid shall be payable during the month of December next succeeding.

Normal Schools, and Madawaska Training School.

Sec. 140. Five normal schools. Their objects. R. S., c. 15, § 109. P. & S. L. 1905, c. 313. 1909, c. 44. 1913, c. 109, § 1. The Northern Normal School at Farmington, the Eastern Normal School at Castine, the Western Normal School at Gorham, the Washington State Normal School at Machias and the Aroostook State Normal School at Presque Isle, shall be conducted for the purposes and upon the principles herein set forth.

I. They shall be thoroughly devoted to the training of teachers for their professional labors.

II. 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:

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

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

V. The principals of the normal schools and of all other schools in which normal departments are supported, wholly or in part, by the state, shall keep a register containing the names of all students entering such schools or departments, the date of entering and leaving, their ages, number of days' attendance, the length of the term, a list of text-books used, and all other information required in the blanks furnished by the state superintendent. Such register and blanks shall be returned to said superintendent by the first day of each December, and the information so furnished shall appear in his annual report, for the use of the legislature.

Sec. 141. Courses of study. R. S. c. 15, § 110. 1915, c. 91. The course of study shall occupy two years with suitable vacations, and, with the terms of admission, shall be arranged by said superintendent. The trustees may arrange for a course of study, occupying three or four years, for such students as elect to pursue the same, and they may give such credit as they may deem advisable for successful teaching experience.

Sec. 142. Diplomas to be issued. R. S. c. 15, § 111. Any student who completes the course of study prescribed, and otherwise complies with the regulations of the school, shall receive a diploma certifying the same.

Sec. 143. Applicants for admission, qualification; tuition. R. S. c. 15, § 112. 1909, c. 27. Applicants for admission shall be sixteen years of age if females, and seventeen if males, and shall signify their intention to become teachers and come under obligation to teach in this state for at least one year, and if they receive a diploma, two years after they have graduated; on these conditions they shall be received without charge for tuition.

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Sec. 144. Trustees of normal schools, their appointment, powers and duties. R. S. c. 15, § 113. 1905, c. 11. 1909, c. 103. 1913, c. 109, § 2. Said schools shall be under the direction of a board of five trustees, four of whom shall be appointed by the governor with the advice and consent of the council, for terms of four years, and not more than two of the four appointed members shall be of the same political party. The state superintendent of public schools is, by virtue of his office, a member of the said board of normal school trustees. Said board shall have charge of the general interests of said schools; shall see that the affairs thereof are conducted as required by law and by such by-laws as the board adopt; employ teachers and lecturers for the same; and, annually, on the first day of December lay before the governor and council, for the information of the legislature, a financial statement, furnishing an accurate detailed account of the receipts and expenditures for the school year preceding.

105 Me. 220.

Note. Authorized to take land for building for use of Western Normal School, at Gorham, P. & S. L. 1913, c. 47.

Sec. 145. Madawaska Training School. R. S. c. 15, § 114. The trustees of state normal schools shall maintain for not less than eight months annually, the Madawaska Training School, at Fort Kent, for the purpose of training persons to teach in the common schools of Madawaska territory, so called, which school shall be under their control and direction, in the same manner and to the same extent as the other state normal schools.

Sec. 146. Appropriation for normal and training schools. R. S. c. 15, § 115. 1909, c. 106. 1911, c. 186. 1913, c. 45. 1915, c. 175. For the support of the five normal schools and the Madawaska Training School, the sum of ninety thousand dollars is annually appropriated, to be expended under the direction of said trustees, which sum the treasurer of state shall deduct for said purpose from any school money raised for the support of common schools. The governor and council may from time to time, as they think proper, draw warrants therefor on said treasurer in favor of said trustees.

Instruction for the Blind.

Sec. 147. Blind children may be sent to Perkins Institute; no distinction made on account of wealth or poverty; expenses paid by state. R. S. c. 15, § 116. 1913, c. 46. Upon the request of the parents or guardians, the governor may, with the approval of the council, send such blind children as he may deem fit subjects for education, for a term not exceeding ten years, and thereafter in the discretion of the governor and council, in the case of any pupil, to the Perkins Institute for the Blind at Watertown, Massachusetts; provided, however, that when the authorities in charge of said Perkins Institute for the Blind shall refuse for any reason to admit such blind children to said institute then the governor may, with the approval of the council, send such children so refused to any institution for the blind wherever located. In the exercise of the discretionary power conferred by this section, no distinction shall be made on account of the wealth or poverty of the parents or guardians of such children. No such

pupil shall be withdrawn from such institution except with the consent of the proper authorities thereof or of the governor; and the sums necessary for the support and instruction of such pupils in such institution, including all traveling expenses of such pupils attending such institution shall be paid by the state; provided, however, that nothing herein contained shall be held to prevent the voluntary payment of the whole or any part of such sums by the parents or guardians of such pupils.

Penal Provisions Affecting Schools.

Sec. 148. Forfeitures; how recovered and appropriated; penalty, if town neglects to expend money. R. S. c. 15, § 117. Forfeitures 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; any town neglecting for one year, so to expend such money, forfeits an equal sum to any person suing therefor in an action of debt.

Sec. 149. Penalty for disturbing schools. R. S. c. 15, § 118. Whoever, whether a scholar or not, enters any schoolhouse or other place of instruction, during or out of school hours, while the teacher or any pupil is present, and wilfully interrupts or disturbs the teacher or pupils by loud speaking, rude or indecent behavior, signs or gestures, or wilfully interrupts a school by prowling about the building, making noises, throwing missiles at the schoolhouse, or in any way disturbing the school, forfeits not less than two, nor more than twenty dollars, to be recovered as aforesaid, or on complaint.

27 Me. 278; 35 Me. 197.

Sec. 150. Parents or guardians liable in double damages for injuries. R. S. c. 15, § 119. If a minor injures or aids in injuring any schoolhouse, outbuildings, 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 school property belonging to a town, such town by a truant officer thereof, may recover of his parent or guardian, in an action of debt, double the damage occasioned thereby.

Sec. 151. Penalty for defacing schoolhouses, outbuildings. R. S. c. 15, § 120. Whoever defaces the walls, benches, seats, blackboards or other parts of any schoolhouse or outbuildings belonging thereto, by obscene pictures, language, marks or descriptions, shall be fined not exceeding ten dollars, on complaint made within one year.

See c. 126, § 23.

Sec. 152. Innholders, stable keepers, and certain others, not to give credit to students. R. S. c. 15, § 121. 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, he forfeits 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

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treasurer of such institution; half to its use, and half to 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.

State School Funds.

Sec. 153. Permanent school fund. R. S. c. 15, § 122. The treasurer of state shall keep a separate account of all moneys received from sales of lands appropriated for the support of schools or from 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 one-half the sum received by the state from the tax on the franchises of savings banks, and one-half the sum assessed upon the deposits of trust and banking companies, shall be annually appropriated to the support of common schools, and after the deduction therefrom of all funds which the treasurer of state is by law authorized to deduct, the balance shall be distributed among the several towns according to the number of children therein between five and twenty-one years of age.

See §§ 132, 139, 166, 176; c. 9, §§ 60, 72, 73; 73 Me. 126; 109 Me. 172.

Sec. 154. Treasurer to apportion school funds; basis when returns are not received; school funds not to be paid until return is made. R. S. c. 15, § 123. The treasurer shall, immediately after the first day of July, apportion to the towns all the state school funds for the year, according to the list of children furnished by the state superintendent of public schools, as provided in section one hundred and twenty-five. The number of scholars belonging to a town from which either the school committee or the municipal authorities have failed to make the returns required by law, 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 returns, both common school and fiscal, are made to the state superintendent of public schools, nor so long as any state tax assessed upon such town remains unpaid.

See §§ 16, 50.

School Mill Fund.

Sec. 155. Mill tax. R. S. c. 15, § 124. 1907, c. 111, § 2. A tax of one and one-half mills on a dollar shall annually be assessed upon all the property in the state according to the valuation thereof, and shall be known as the mill tax for the support of common schools.

68 Me. 582, 586; 73 Me. 126; 109 Me. 172.

Sec. 156. Assessment and collection. R. S. c. 15, § 125. This tax shall be assessed and collected in the same manner as other state taxes, and be paid into the state treasury and designated as the school mill fund.

73 Me. 126.

Sec. 157. Distribution. R. S. c. 15, § 126. 1915, c. 150, § 1. This fund shall be distributed by the treasurer of state on the first day of December, annually, to the several cities, towns and plantations according to the number of scholars therein, as the same shall appear from the official return made to the state superintendent of public schools for the preceding year.

See §§ 132, 139, 166, 176.

Sec. 158. Unexpended balance. R. S. c. 15, § 127. All of the school mill fund not distributed or expended during the financial year, shall at its close be added to the permanent school fund.

73 Me. 126.

Common School Fund.

Sec. 159. Tax for support of common schools. 1909, c. 177, § 1. A tax of one and one-half mills on a dollar shall annually be assessed upon all of the property in the state according to the valuation thereof and shall be known as the tax for the support of the common schools.

109 Me. 171.

Sec. 160. Assessment. 1909, c. 177, § 2. This tax shall be assessed and collected in the same manner as other state taxes and shall be paid into the state treasury and designated as the common school fund.

109 Me. 171.

Sec. 161. Distribution. 1909, c. 177, § 3. 1915, c. 150, § 2. One-third of this fund shall be distributed by the treasurer of state on the first day of December, annually, to the several cities, towns and plantations according to the number of scholars therein, as the same shall appear from the official returns made to the state superintendent of public schools for the preceding year, and the remaining two-thirds of said fund shall be distributed by the treasurer of state on the first day of December, annually, to the several cities, towns and plantations according to the valuation thereof as the same shall be fixed by the state assessors, for the preceding year.

109 Me. 171.

Sec. 162. Unexpended fund. 1909, c. 177, § 4. All of said fund not distributed or expended during the financial year, shall at its close, be added to the permanent school fund.

109 Me. 171.

Sec. 163. Expenditure of money for common schools. 1909, c. 177, § 5. All moneys provided by towns, or apportioned by the state for the support of common schools, shall be expended for the maintenance of common schools, established and controlled by the towns by which said moneys are provided, or to which said moneys are apportioned.

109 Me. 171.

Sec. 164. Money received by towns within § 16. 1909, c. 177, § 6. Sums received by any city, town or plantation from the distribution provided by section one hundred sixty-one, shall be deemed to be raised by such city, town or plantation within the meaning of section sixteen of this chapter.

109 Me. 171.

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Sec. 165. Sections 155-158 not affected. 1909, c. 177, § 7. The six preceding sections shall not affect the provisions of sections one hundred and fifty-five to one hundred and fifty-eight, both inclusive, of this chapter.

School Equalization Fund.

Sec. 166. School equalization fund set aside. 1909, c. 198, § 1. 1911, c. 192, § 1. 1913, c. 182. 1915, c. 265. The treasurer of state shall immediately after the first day of July, annually deduct the sum of fifty thousand dollars from the state school funds and the same shall be set aside and denominated the school equalization fund which shall be used in the manner hereinafter designated for the purpose of aiding those towns wherein a rate of taxation considerably in excess of the average rate for the state fails to produce a school revenue sufficient to secure a reasonable standard of educational efficiency; provided, that the rate of taxation hereinbefore named for the purposes of this section and the two following sections shall be reckoned on the basis of the amount actually raised by taxation by the town for the support of common schools, exclusive of any amounts received from the state; provided further that no town shall receive an apportionment of the school equalization fund unless its municipal tax rate for all purposes shall be in excess of the average of such rates for all the towns of the state.

Sec. 167. Special investigation by state superintendent of schools; special aid for raising standard of qualifications of teachers. 1909, c. 198, § 2. 1911, c. 192, § 2. The state superintendent of public schools shall cause a special investigation to be made of the educational facilities of such towns as are included under the preceding section and, whenever it appears to the state superintendent that any town should receive special aid or encouragement for the purpose of raising the standard of qualifications of common school teachers or of increasing the length of the school year or otherwise adding to the efficiency of the common schools, he shall issue to the governor and council a recommendation relative thereto, and the governor and council may draw a warrant in favor of the treasurer of said town for the payment from the equalization fund of a sum which shall be expended under the direction of the superintending school committee of said town in accordance with the recommendation as made by the state superintendent of public schools and within the purposes of this section and the preceding section. The state superintendent of public schools may expend for the special investigation of educational facilities as herein provided a sum not to exceed two thousand dollars, which shall be deducted from the equalization fund; he shall annually publish in his printed report a complete statement relative to all disbursements as provided in this section and the preceding section.

Sec. 168. Fund not expended, how disposed of. 1909, c. 198, § 3. All of the school equalization fund not distributed nor expended during the financial year shall at its close be added to the permanent school fund.

Funds arising from sales of timber and grass on reserved lots, how and when applied to support of schools, c. 8, § 21.

Instruction in forestry in public schools, academies and colleges, c. 8, § 56.

Teachers' Pensions.

Sec. 169. Teachers who may be entitled to an annual pension of \$250. 1913, c. 75, § 1. Any person of either sex who, on the thirtieth day of September, nineteen hundred thirteen, or thereafter, shall have reached the age of sixty years and who for thirty-five years shall have been engaged in teaching as his principal occupation, and who shall have been employed as a teacher in the public schools, or in such other schools within this state as are supported wholly or at least three-fifths by state or town appropriation and are under public management and control, twenty years of which employment, including the fifteen years immediately preceding retirement, shall have been in this state, and who shall be retired by his employer or shall voluntarily retire from active service after completion of the school year next preceding the thirtieth day of September, nineteen hundred thirteen, shall, on his formal application, receive from the state for the remainder of his life an annual pension of two hundred and fifty dollars; provided, however, that after the thirtieth day of September, nineteen hundred thirteen, no such employment as teacher within this state shall be included in its provisions unless the teacher shall hold a state teachers' certificate issued under the authority of the state superintendent of public schools.

Sec. 170. Teachers who may receive an annual pension of \$200. 1913, c. 75, § 2. Any person of either sex who, on the thirtieth day of September, nineteen hundred thirteen, or thereafter, shall have reached the age of sixty years and who for thirty years shall have been engaged in teaching as his principal occupation and who shall have in all other respects met the requirements of the preceding section shall, on his formal application, receive from the state for the remainder of his life an annual pension of two hundred dollars.

Sec. 171. Teachers who may receive an annual pension of \$150. 1913, c. 75, § 3. Any person of either sex who, on the thirtieth day of September, nineteen hundred thirteen, or thereafter, shall have reached the age of sixty years and who for twenty-five years shall have been engaged in teaching as his principal occupation, and who shall have in all other respects met the requirements of section one hundred sixty-nine shall, on his formal application, receive from the state for the remainder of his life an annual pension of one hundred and fifty dollars.

Sec. 172. Teachers who may receive half pension. 1913, c. 75, § 4. Any person who otherwise meets the requirements of the three preceding sections, but shall have retired or shall have been retired prior to the school year next preceding the thirtieth day of September, nineteen hundred thirteen, shall be entitled to receive a pension under the provisions of this section and the three preceding sections, except that the amount of the pension allowed to such person shall be one-half of any amount designated under the foregoing sections.

Sec. 173. State superintendent shall certify persons entitled to pensions; suspension of payment when person resumes teaching. 1913, c. 75, § 7. On or before the thirty-first day of December, nineteen hundred and thirteen, and quarterly thereafter, the state superintendent of public schools

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shall certify to the governor and council the names of the persons who are entitled to pensions under the provisions of the preceding sections and the amounts thereof, and the governor and council shall draw warrants on the treasurer of state for payments from the school pension fund in favor of said persons for said amounts. The payments of any pension shall be suspended whenever the person to whom said pension has been granted resumes teaching in any private or public school.

Sec. 174. Pensions are exempt from claims of creditors. 1913, c. 75, § 8. All pensions granted or payable under the provisions of the five preceding sections shall be and are hereby made exempt from levy and sale by virtue of an execution and from all process and proceeding to enjoin and recover the same by or on behalf of any creditor or person having or asserting any claim against, or debt or liability of a teacher or pensioner.

Sec. 175. State superintendent shall formulate rules. 1913, c. 75, § 6. The state superintendent of public schools shall formulate rules and regulations for carrying into effect the provisions of the six preceding sections.

Sec. 176. Appropriation. 1913, c. 75, § 5. For the purposes of the seven preceding sections the sum of twenty-five thousand dollars is annually appropriated, which sum the treasurer of state shall deduct for said purposes out of the school and mill funds and the sum so appropriated and deducted shall be denominated the school pension fund.

Sec. 177. Unexpended fund added to school fund. 1913, c. 75, § 9. All of said school pension fund not distributed or expended for any financial year, shall, on the first day of July next following, be added to the permanent school fund.