

MAINE STATE LEGISLATURE

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CHAPTER 37.

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Department of Education; Commissioner, His Duties

Sec. 1. Commissioner of education; appointment; duties; salaries; employees. 1931, c. 216, Art. I, §§ 1, 2, 3, 4, 5; Art. V, § 2. 1937, c. 221. 1939, c. 299. 1943, c. 320. The department of education, as heretofore established, shall exercise such powers and perform such duties as are set forth in this chapter. The head of the department shall be the commissioner of education, hereinafter in this chapter called the "commissioner", who shall be appointed by the governor with the advice and consent of the council, to serve for a term of 3 years, or during the pleasure of the governor and council. Any vacancy in the said office shall be filled by appointment for a like term in the same manner as hereinbefore provided. The commissioner shall organize the department with the approval of the governor and council under such bureaus and divisions as he may deem necessary for the satisfactory performance of its functions. He may employ such bureau chiefs, with the approval of the governor and council, and such deputies, assistants, and employees, subject to the provisions of the personnel law, as may be necessary. The bureau chiefs, deputies, assistants, and employees of the department shall be under the immediate supervision, direction, and control of the commissioner, and shall perform such duties as he may prescribe. The salaries of the commissioner and his bureau chiefs shall be fixed by the governor and council.

In the event of a vacancy in the office of the commissioner because of death, resignation, removal, or other cause, the various bureau chiefs, deputies, and

assistants in said departments shall continue in office and perform such duties as have been prescribed for or assigned to them, until said vacancy has been filled by the appointment and qualification of a new commissioner.

Sec. 2. Office at the capital. R. S. c. 19, § 148. An office shall be provided for the commissioner 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. 3. Duties. R. S. c. 19, § 149. 1931, c. 216, Art. V, § 1. 1939, c. 305, § 1; c. 311, § 1. In addition to the duties elsewhere specifically imposed on him the commissioner's 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;

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. To compile and distribute, in pamphlet form, to the municipal and school officers of the several towns copies of the amended school laws of the state; and to prepare and issue 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 public schools and in private schools approved for attendance and tuition purposes, reserving to superintend-

ing school committees, trustees, or other officers in charge of such public or private schools the right to prescribe additional studies, and the course of study prescribed by the commissioner shall be followed in all public schools and in all private schools approved by the said commissioner for attendance or tuition purposes; provided, however, that upon the approval by the said commissioner of any course arranged by the superintending school committee of any town, or by the trustees or other officers of any private school, said course shall be the authorized course for said town or private school; provided further, that the basic language of instruction in all schools, public and private, shall be the English language; and provided further, that American history and civil government, including the constitution of the United States, shall be taught in all schools of elementary and secondary grades, both public and private, and that American history and civil government shall be required for graduation from all elementary schools, both public and private. Nothing in this section shall be construed to prohibit the teaching in elementary schools of any language as such;

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 commissioner 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. Biennially, 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;

XII. To cause an inspection to be made and to report to the school committee his findings and recommendations whenever the superintending school committee or the superintendent of schools of any town, or any 3 citizens thereof, shall petition him to make an inspection of the schools of said town; and to prepare a list of standards of buildings, equipment, organization, and instruction, and to give such ratings upon such list of standards to any schools that are inspected under the provisions of this paragraph as their general condition, equipment, and grade of efficiency may entitle them.

XIII. (1931, c. 216, Art. V, § 1) (1939, c. 305, § 1; c. 311, § 1) To supervise the state normal schools and to administer the teachers' retirement system.

See c. 32, § 39, re organized townships fund.

Sec. 4. Commissioner to furnish blanks for fiscal returns and to return list of towns making same. R. S. c. 19, § 150. The commissioner shall prepare and furnish to the town officers such blanks as he deems proper to secure the fiscal returns required in section 40. He shall return to the treasurer of state on the 1st 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. 5. Commissioner to prepare and forward blanks for school returns. R. S. c. 19, § 151. The commissioner shall prepare and print blank forms for all other returns required by law, or deemed by him necessary, and shall, on the 1st

day of each March, forward to the superintendents of schools of the several towns blanks for the annual school return as provided in section 63, and shall, on the 1st day of each May, forward to said superintendents blanks for the returns required by section 64.

Sec. 6. Notice to delinquent committees. R. S. c. 19, § 152. The commissioner shall, on the 1st 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 1st day of July the number of children between 5 and 21 years of age in the towns from which returns are received, and furnish a list thereof to the treasurer of state.

Sec. 7. Full-time helping teachers provided for. R. S. c. 19, § 192. 1931, c. 188. 1933, c. 96, § 1. As a means of increasing the efficiency of rural education, the commissioner may appoint not more than 4 full-time helping teachers whose duty it shall be to assist and direct rural teachers, to work with local school officials upon request, and to perform such other duties in the field of elementary education as the said commissioner may direct. The salary and necessary traveling expenses of such helping teachers shall be paid from an appropriation for said purpose.

Location of Schools. Transportation of Pupils

Sec. 8. No change in location of any school legally established; towns may determine number and location on recommendation of school committee; school with few scholars may be suspended with consent of town; superintendent to procure conveyance for scholars; committee may furnish board instead of providing conveyance. R. S. c. 19, § 2. 1933, cc. 122, 196. The location of any school legally established prior to the 17th day of March, 1893, 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 1 year, but shall not close such school for a longer period nor again thereafter suspend operation of such school unless so instructed by the town, but any public school failing to maintain an average attendance for any school year of at least 8 pupils shall be and 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 elementary 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 the said school as in the judgment of the superintending school committee shall render such conveyance necessary. In all cases, conveyance so provided shall conserve the comfort, safety, and welfare of the children conveyed and shall be in charge of a responsible driver who shall have control over the conduct of the children conveyed. Contracts for said conveyance may be made for a period not to exceed 3 years. 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.

137 Me. 243.

Sec. 9. Term "school bus" defined; descriptive sign to be attached; standards for school buses; buses to stop before crossing railroad track. 1941, c. 238. The term "school bus" includes all motor vehicles while used for the transportation of children to and from school for hire.

All school buses, as above defined, shall bear upon the front and rear thereof a plainly visible sign "school bus" in letters not less than 4 inches in height which can be removed or covered when the vehicle is not in use as a school bus; but this provision shall not apply to public buses while transporting school children together with regular passengers. Such standard "descriptive signs" shall be furnished at cost by the department of education.

No municipality and no person or corporation employed by a municipality to convey children to and from school may use a conveyance which provides less than one linear foot of seating space for each such child.

All motor vehicles used as school buses, except the pleasure car type, so called, shall be equipped with 2 doors, one on the right side near the front of the bus to be used for all ordinary exits and entrances; the other at the rear to be equipped with a spring lock on the inside to be used only in case of emergency.

Any such motor vehicle shall be so constructed that the operator has access to the passenger compartment without leaving the vehicle, and that the exhaust pipe shall extend beyond the external rear of the body of the bus, but not beyond the bumper, and shall be entirely outside of the body, and that the gasoline tank filler, vent, and drain openings shall be outside of the bus body.

All school buses as defined in this section shall be equipped with a fire extinguisher of a type and size approved by the laboratories of the National Board of Fire Underwriters.

All school buses when conveying children shall come to a full stop before crossing any railroad track.

Sec. 10. Schoolhouse lots acquired by condemnation; damages, how appraised; lot reverts to owner when not used for school purposes for 2 successive years, subject to right of town to remove building; land may be taken for schoolhouse lot, playgrounds. R. S. c. 19, § 3. When a location for the erection or removal of a schoolhouse and requisite building 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 and playgrounds, not exceeding 5 acres, and appraise the damages as is provided for laying out town ways, 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 lot has ceased to be used by the town for school purposes for 2 successive years, said lot reverts to the owner, his heirs or assigns, on demand by him or them in writing made to the municipal officers of the town, subject to the right of the town to enter upon said lot and remove said schoolhouse at any time within 6 months after said demand. 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 50 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. 11. Appeal by aggrieved owner. R. S. c. 19, § 4. If the owner is aggrieved at the location of the lot or the damages awarded, he may apply to the county commissioners within 6 months, who may change the location and assess the damages. If the damages are increased or the location changed, such town 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. 12. Schoolhouse lots, erroneous location, how reestablished and made valid. R. S. c. 19, § 5. If any town, 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, 3 legal voters and taxpayers thereof may apply in writing to the selectmen of said town and have the lot, so designated or described, reappraised by them.

Sec. 13. Notice of appraisal and hearing. R. S. c. 19, § 6. The selectmen of any town to whom such application as provided for in the preceding section has been made shall forthwith give not less than 7 nor more than 20 days' notice to the clerk of said town 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 town either by buildings or otherwise; and shall, as soon as practicable, notify the town 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. 14. Assessment and collection. R. S. c. 19, § 7. The sum fixed as the value of said lot shall be assessed, collected, and paid over as other school money.

Sec. 15. Tender to be allowed in payment. R. S. c. 19, § 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. 16. Either party may appeal. R. S. c. 19, § 9. If the town or persons owning or having charge of the land on which such location is made are dissatisfied with such appraisal, either party may within 10 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. 17. Improvements inure to town. R. S. c. 19, § 10. When any 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 and the same may be as completely occupied and controlled by such town as it would have been if such location had been in strict conformity to law.

Sec. 18. Tax not affected by error in location. R. S. c. 19, § 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. 19. Plan to be approved by committee. R. S. c. 19, § 12. 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. 20. Plans and specifications to be furnished by commissioner. R. S. c. 19, § 13. The commissioner shall procure architects' plans and specifications for school buildings of not exceeding 4 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.

110 Me. 242.

Sec. 21. Provision for heating, lighting, and ventilating; committee to notify commissioner of readiness for occupancy and to report whether specifications have been met; he may order inspection and alterations; liability of town. R. S. c. 19, § 14. Where the plans and specifications prepared by the commissioner 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, ventilating, and hygienic conditions of such buildings, and all plans and specifications for any such proposed school building and plans for the reconstruction or remodeling of any school building, the expense for which shall exceed \$500, shall be submitted to and approved by the commissioner and the bureau 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, reconstruct, or remodel such building. The superintending school committee or the school building committee in charge of the erection of a new school building or of the reconstruction or remodeling of any school building as provided for by this section shall seasonably notify the commissioner of its readiness for occupancy and shall report to the commissioner, on blanks furnished by said commissioner, such facts relative to the arrangement, construction, or reconstruction of said building as shall indicate whether or not the proposals in the plans and specifications previously approved have been met. Whenever it shall appear to the commissioner that such approved plans in their provisions for heating, lighting, ventilating, and hygienic conditions have not been carried out, he may cause an inspection of said building to be made and shall notify said committee of changes required to be made to comply with the conditions previously approved, and it shall be the duty of said committee promptly to rectify said conditions, and failure to do so shall render the town liable to the provisions of section 26.

110 Me. 242.

Sec. 22. Schoolhouses to be provided with proper exits; municipal officers to correct defects. R. S. c. 19, § 15. 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 1 story there shall be at least 2 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 26.

See c. 25, § 70, re care of steam heating plants; c. 85, § 45, re doors to open outwards.

Duties of Towns

Sec. 23. Towns to raise money for schools; expenditure. R. S. c. 19, § 16. Every town shall raise and expend, annually, for the support of public 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 80c 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 4 times the amount of its deficiency, and all moneys provided by towns or apportioned by the state for the support of public schools shall be expended for the maintenance of public 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 28 for the establishment and maintenance of union schools by adjoining towns.

See §§ 32, 33, 34, 195, 196, 201-206; c. 32, §§ 38, 39, re unorganized and organized townships funds; c. 53, § 56, re ministerial and school lands funds; *68 Me. 584; 72 Me. 166; 76 Me. 416; 92 Me. 327; 109 Me. 173; 133 Me. 162; 135 Me. 459; 137 Me. 243.

Sec. 24. Expenditures by towns failing to account for permanent school funds. R. S. c. 19, § 17. All towns incorporated since 1788, 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 public schools not less than \$45 in addition to the amount required by law to be raised and expended for the support of said schools.

Sec. 25. School money, how paid by towns. R. S. c. 19, § 18. 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.

Sec. 26. School fund to be withheld from delinquent towns. R. S. c. 19, § 19. 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 withheld shall be forfeited and shall be added to the permanent school fund for the year next succeeding.

See §§ 21, 22, 49, 85.

Sec. 27. Equal school privileges to be provided for all pupils. R. S. c. 19, §§ 20, 123. 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 for the maintenance of all its schools for not less than 32 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.

Five days constitute the school week and 4 weeks a school month.

Sec. 28. Union schools may be maintained by adjoining towns; management of such schools. R. S. c. 19, § 21. 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 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. 29. Towns to provide certain facilities; purchase of school books regulated. R. S. c. 19, § 22. Towns shall provide schoolbooks, apparatus, and appliances for the use of pupils in the public schools, including all free high schools, at the expense of said town; 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 \$500, to be recovered in an action of debt by any school officer or person aggrieved.

Towns 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 schools.

See § 206.

Sec. 30. Distribution of books, etc. R. S. c. 19, § 23. School committees shall make such rules and regulations not repugnant to law, as they deem proper, for the distribution and preservation of schoolbooks and appliances furnished at the expense of the town.

Sec. 31. Damages for injuring or destroying, recovered of parent or guardian. R. S. c. 19, § 24. When a pupil in the public schools loses, destroys, or unnecessarily injures any schoolbook furnished under the provisions of the preceding

section 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 the school 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. 32. Cities and towns may raise money for evening schools. R. S. c. 19, § 25. 1935, c. 11, § 1. Any city or town may, in addition to the sum raised for the support of the public schools, raise and appropriate money for the support of evening schools, which shall admit persons over 16 years of age and shall be under the direction and supervision of the superintending school committee.

See § 166.

Sec. 33. Instruction in industrial or mechanical drawing. R. S. c. 19, § 26. Any city or town may annually make provision for free instruction in industrial or mechanical drawing to persons over 15 years of age, either in day or evening schools, under direction of the superintending school committee.

Sec. 34. Manual training schools. R. S. c. 19, § 27. Any city or town may, in addition to the sum raised for the support of the public 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 §§ 165-167.

Sec. 35. Schools under direction of committee; rules and regulations. R. S. c. 19, § 28. The schools referred to in sections 32 to 34, inclusive, shall be under the control, direction, and supervision of the superintending school committee and shall admit such persons between the ages of 6 and 21 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. 36. Scholars at light stations. R. S. c. 19, § 29. Persons between the ages of 5 and 21 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. 37. Schooling for children of parents who have a temporary residence provided for; jurisdiction granted to towns of temporary residence; privileges in town of permanent residence not affected; responsibility of parents. R. S. c. 19, § 30. 1943, c. 93. In order to facilitate the education of children whose parents find it necessary, in the pursuit of their occupations, to move from place to place and whose children reside with them in such temporary residence, it is provided that the children of such person or persons shall be under the jurisdiction of the towns and plantations, or the commissioner if domicile is in unorganized territory, in which the parent has temporary residence and shall be subject to the school attendance laws and to the rules and regulations of the towns and plantations or the commissioner in which they with the parent have temporary residence, provided further, that this does not interfere with the free school privileges of such children in the towns and plantations of the permanent residence of the parent.

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

Sec. 38. Transportation or board of children in places of temporary residences provided for; procedure to obtain; payment of, how made. R. S. c. 19, § 31. Where the distance from the place of temporary residence to the school is more than 2 miles and transportation is deemed advisable by the superintending school committee, the superintendent of schools shall report the same to the commissioner with such other information as may be required and if so directed by the commissioner shall procure transportation for such child or children or, if transportation is inadvisable, board in lieu thereof; provided that when there shall be reported to the commissioner in connection with the annual report a bill of expenses incurred in connection with such transportation or board, the commissioner is authorized to reimburse such towns and plantations for such expenses, the same to be paid from the state school fund and at the time of the distribution of such fund.

Sec. 39. School age; kindergartens. R. S. c. 19, § 32. 1943, c. 240. The age of pupils allowed to attend the public schools of the state is fixed between the ages of 5 and 21 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; provided, however, that the superintending school committee of any city or town may, and upon the filing with the municipal officers of such city or town of a petition not less than 1 month before the annual town meeting by the parents or guardians of thirty or more children between 4 and 6 years of age living within a mile of a public elementary school, shall, unless otherwise instructed by the town or city, maintain a kindergarten or kindergartens as a part of the elementary school course, and pupils shall be allowed to attend such a kindergarten or kindergartens upon reaching the age of 4 years; provided further, that unless the average daily attendance in any kindergarten shall be fifteen or more for any school year the superintending school committee, upon the recommendation of the superintendent of schools, may discontinue the school; provided further, that no person shall be allowed to teach in any kindergarten maintained under the provisions of this section who has not completed at least a 2 years' course in kindergarten training or its equivalent and received a certificate or diploma from a recognized kindergarten training school approved by the commissioner.

Pupils who will be 5 years of age on or before October 15th following the opening of schools in September, shall be given the right to attend the public schools of the state, provided the plan for the subprimary grade, as outlined in the elementary school curriculum, is followed; provided further, that in towns which do not provide either a subprimary grade as indicated above or a kindergarten as provided in this section, children who will not have reached 6 years of age on or before the last day of February following the opening of schools in September shall not be admitted.

*124 Me. 36.

Sec. 40. Annual school returns to commissioner. R. S. c. 19, § 33. The assessors or municipal officers of each town shall, on or before the 1st day of each May, make to the commissioner a certificate embracing the following items:

I. The amount voted by the town for public 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 1st day of the preceding April.

III. The amount of money actually expended for public 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.

See § 4.

Sec. 41. Election of superintending school committee. R. S. c. 19, § 34. Every town shall choose by ballot at its annual meeting a superintending school committee of 3, to hold office as provided in the following section, and shall fill vacancies arising therein at each subsequent annual meeting.

See § 44, re penalty; Const. of Me., Art. IX, § 1.

Sec. 42. Superintending school committees, when first chosen, to arrange terms of office; vacancies; no member to be employed to teach in the supervisory union in which he is a member. R. S. c. 19, § 35. 1933, c. 41. School committees first chosen shall designate by lot a member or members to hold office for 1, 2, and 3 years respectively, in manner as follows: one for 1 year, one for 2 years, and one for 3 years; and they shall certify such designation to the town clerk to be by him recorded; and thereafterwards 1 member shall be chosen by ballot at the annual meeting of the town, to hold office for 3 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 or contract high school or academy located within a supervisory union of which he is a member of the joint committee. In case any member of the superintending school committee shall remove from the town or be absent for more than 90 days, a vacancy shall be declared to exist and the remaining members shall within 30 days thereafter choose another member as hereinbefore provided. Whenever the remaining members fail to appoint a person to fill a vacancy, the same may be filled by election at a town meeting called for the purpose.

Sec. 43. Sections 41 and 42 not to apply to certain cities. R. S. c. 19, § 36. The provisions of the 2 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. 44. Penalty for neglect to choose committee. R. S. c. 19, § 37. A town failing to elect members of the superintending school committee as required by law forfeits not less than \$30, nor more than \$200.

Sec. 45. Committee to serve without pay. R. S. c. 19, § 38. Superintending school committees shall serve without pay unless otherwise voted by the town.

See § 72.

Sec. 46. Towns to maintain clean and sanitary toilets in all buildings used for school purposes. R. S. c. 19, § 39. In order to safeguard the health and morals of the children of the state, towns shall from their regular appropriations for schoolhouse repairs or from special appropriations for the purpose of sections 46 to 49, inclusive, provide and maintain sanitary, protected, and clean toilets free from all obscene markings in all school buildings or in other buildings rented or used for school purposes.

Sec. 47. Requirements in construction that must be met. R. S. c. 19, § 40. All school buildings or buildings used for school purposes shall be provided with toilet facilities that shall be installed in such manner and location as to insure privacy, cleanliness, and supervision by teachers and that shall meet at least one of the following minimum requirements:

I. Flush closets. Flush water closets connected with sewer, filter bed, septic tanks, or protected cesspool with separate compartments for the sexes, accessible only by separate passageways from schoolrooms or corridors.

II. Chemical closets. Chemical closets, of such types and manufacture as shall be approved by the commissioner, with separate compartments for the sexes, accessible only by separate passageways from schoolrooms or corridors.

III. Privies. Privies located in attached buildings provided with separate compartments for the sexes, accessible only by separate ventilated passageways from schoolrooms or corridors and constructed in such a manner that the vault of said privy shall be at least 10 feet from the nearest schoolroom wall and adjacent to the outside wall of the building in which said privy is located, provided that when conditions make it necessary, the above specifications may be modified by written agreement of the commissioner and the superintending school committee.

Sec. 48. Commissioner to furnish plans for privies and chemical closets. R. S. c. 19, § 41. The commissioner shall furnish to superintending school committees or building committees plans for privies of approved type, lists of chemical toilets of approved type and manufacture, and such other information and material as may assist said committees in complying with the provisions of sections 46 to 49, inclusive.

Sec. 49. School committees to make provisions for cleaning vaults; annual inspection and report of changes needed; school money to be withheld when the town fails to meet the requirements. R. S. c. 19, § 42. Superintending school committees shall make provision for the cleaning of vaults and tanks and the repair and upkeep of accessories. Said committees shall annually cause an inspection to be made of sanitary conditions in school buildings and shall cause to be reported to the town such construction, reconstruction, or repairs necessary to meet the conditions of sections 46 to 49, inclusive, and any town failing to meet the said conditions through neglect of its superintending school committee, or neglect to appropriate funds for the purpose, shall be liable to the penalties of section 26.

Sec. 50. Duties. R. S. c. 19, §§ 43, 44. Superintending school committees shall perform the following duties:

I. The management of the schools and the custody and care, including repairs and insurance on school buildings, of all school property in their towns.

II. Direct the general course of instruction and approve a uniform system of text-books, and perform such other functions as may be specified by law. No text-book thus approved shall be changed for 3 years unless by vote of the committee.

38 Me. 394.

III. 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.

IV. 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; 119 Me. 437; 127 Me. 258; 136 Me. 23.

V. 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; 124 Me. 41.

VI. Exclude, if they deem it expedient, any person not vaccinated, although otherwise entitled to admission, unless a parent or guardian of such person shall present a signed statement that such parent or guardian is opposed to vaccination, in which event such person may only be excluded in the event of an epidemic of smallpox.

See §§ 128-134; 130 Me. 510.

VII. Prescribe the sum on payment of which persons of the required age, resident in 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.

VIII. Determine what description of scholars shall attend each school, classify them, and transfer them from school to school where more than 1 school is kept at the same time.

IX. For the purpose of increasing the efficiency of the public schools of the state, superintending school committees and boards of education shall have authority to grant to any teacher, principal, or other person regularly employed by them a leave of absence for a period of not to exceed 1 year and on not more than half pay, such leave of absence to be granted only after 7 years of service and under such conditions and with such regulations as may be determined by the governing board, and for the purpose of permitting said teacher, principal, or other person to pursue a further course of study or to travel, to the end that he or she may be better fitted by education and culture for his or her position in the schools.

X. They shall have authority to adjust the salaries of teachers, principals, and other persons legally employed by them who are compelled to be absent from their school duties on account of illness. The provisions of this and the preceding subsection shall apply only in cases of persons who are employed on yearly con-

tracts or on tenure of service and who hold the legal qualifications necessary for such positions.

See §§ 128-134; c. 1, §§ 1, 6; c. 32, § 8, re instruction in forestry.

Sec. 51. Secret societies prohibited. R. S. c. 19, § 46. 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. 52. School physicians appointed. R. S. c. 19, § 47. 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 1,000 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 prescribed in sections 52 to 60, inclusive; 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.

See § 60.

Sec. 53. Duties of physician. R. S. c. 19, § 48. Every school physician shall make a prompt examination and diagnosis of all children referred to him as provided in sections 52 to 60, inclusive, and such further examination of teachers, janitors, and school buildings as in his opinion the protection of the health of the pupils may require.

See § 60.

Sec. 54. Treatment of pupils. R. S. c. 19, § 49. The pupils examined by school physicians under the provisions of sections 52 to 60, inclusive, 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.

See § 60.

Sec. 55. Examination of pupils after absence on account of sickness. R. S. c. 19, § 50. 1935, c. 84, § 12. 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 local health officer 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 disease, 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 52 to 59, inclusive.

See § 60.

Sec. 56. Notice of disease or defects. R. S. c. 19, § 51. 1935, c. 84, § 12. 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, tonsillitis, 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 local health officer and superintendent of schools shall at once be notified.

See § 60; c. 22, §§ 42-47, 61, 63-68, 70.

Sec. 57. Examination of sight and hearing; notice of defect or disability to parent or guardian. R. S. c. 19, § 52. 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 commissioner shall prescribe after consultation with the department of health and welfare.

See § 60.

Sec. 58. Commissioner to prescribe directions for tests. R. S. c. 19, § 53. The commissioner shall prescribe, after consultation with the department of health and welfare, 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 6 preceding sections.

See § 60; c. 13, § 19, re fingerprinting.

Sec. 59. Expense that may be incurred by city or town. R. S. c. 19, § 54. 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 government and in towns by a town meeting. The appropriation shall precede any expenditure under the 7 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.

See § 60.

Sec. 60. Application of §§ 52-59. R. S. c. 19, § 55. The provisions of the 8 preceding sections shall apply only to cities and towns having a population of less than 40,000 inhabitants.

Sec. 61. Teachers to keep school register; not to be paid until register is completed. R. S. c. 19, § 123. 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, or at such shorter intervals as the committee may determine, 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. 25, § 38, re payment of wages; 63 Me. 244.

Sec. 62. Superintendent to make school census. R. S. c. 19, § 56. The superintendent of schools in every town shall return under oath to the school committee, in April annually, a certified list of the names and ages of all persons in the town from 5 to 21 years of age, corrected to the 1st 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.

133 Me. 162.

Sec. 63. Return to commissioner. R. S. c. 19, § 57. Each superintendent shall annually make returns to the commissioner of the number of persons between the ages of 5 and 21 years, together with a certified list of the names and ages of such persons, corrected to the 1st 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 commissioner on or before the 1st day of each May. He shall also furnish such other information relating to the public schools as the commissioner shall at any time require of him. When the commissioner 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.

See c. 25, §§ 19, 20, re duty of superintendent of schools to issue vacation permits for work; 133 Me. 162.

Sec. 64. Annual return of statistics. R. S. c. 19, § 58. Each superintendent shall, on or before the 1st day of August, annually, make under oath a full and complete return of all educational statistics for the year ending the 1st 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 26.

Sec. 65. Flags to be furnished schools. R. S. c. 19, § 59. 1943, c. 91. 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 inestimable sacrifices made by our forefathers, the important contribution made by all who have served in the armed services of our country since its inception, 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. 9, § 21, ¶ XIX.

Sec. 66. Exclusion of pupils from school on account of filth or disease. R. S. c. 19, § 60. 1935, c. 10. 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 shall exclude such children from the schools until they are cured, cleansed, and disinfected.

See c. 22, § 63, re schoolroom infected.

Sec. 67. Duty of parents; penalty for neglect. R. S. c. 19, § 61. Parents notified according to the provisions of section 66 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 of not more than \$5 for the first offense, and of not more than \$10 for a second or subsequent offense.

See c. 22, §§ 42-47, 61, 63-68, 76.

Superintendence of Schools Through the Union of Towns

Sec. 68. Towns may be combined into unions for supervision; exceptions; appeal. R. S. c. 19, § 62. 1933, c. 219. 1935, c. 145. 1937, c. 4. 1939, c. 48. It shall be the duty of the commissioner and the committee of 3 hereinafter named, to regroup all the towns in the state, except as herein provided, into unions for the purpose of employing superintendents of schools. Such supervisory unions as shall have been formed on June 30, 1933 may be dissolved by the commissioner for the purpose of a more advantageous combination. Regroupings shall be made only when vacancies in the office of superintendent occur by death, resignation, or failure of reelection. Whenever such regroupings are made, the commissioner shall have authority to reallocate any town or towns in the unions affected to unions already organized. In case of unions already regrouped or not subject to further regrouping, the term of the election of a superintendent may be made for a period not exceeding 5 years but in a union subject to regrouping such term of election shall not exceed 3 years. A committee of 3, who shall act with the commissioner in the matter of regrouping, shall be appointed by the governor and council. The necessary travel expense of said committee shall be paid by the state from the regular appropriation provided for general office expenses in the department of education. Provided, however, that any superintending school committee of a town dissatisfied with the combination proposed by the commissioner and the committee to include that town may appeal to the governor and council who shall make the final decision relative thereto. Whenever, upon the representation of the superintending school committee of any town, it shall appear to the commissioner to be to the advantage

of said town and of the state to change the combination of towns composing the union of which said town is a part, the commissioner shall have authority to direct the dissolution and organization of unions so that a more advantageous combination may be effected. Provided, however, that any superintending school committee of a town dissatisfied with the change in the combination proposed by the commissioner to include that town may appeal to the governor and council, who shall make the final decision relative thereto.

Sec. 69. Union to include 35-75 teachers; proviso. R. S. c. 19, § 63. 1933, c. 207. Any school supervisory union formed under the provisions of the preceding section shall include not less than 35 nor more than 75 teachers unless the commissioner shall find upon representation of any school committee that owing to geographical situation or other reasons it is to the advantage of the state and of said towns that a union shall include fewer than 35 or more than 75 teachers.

Sec. 70. First meeting to be held upon notification of commissioner; subsequent meetings; union superintendent removed for cause; salary; tenure, etc.; election of superintendent effective, when. R. S. c. 19, §§ 43, 64. 1931, c. 192. 1933, c. 183. 1935, c. 21. The superintending school committees of the towns composing a union shall form a joint committee, and for the purposes of this section and the 9 following sections, said joint committee shall be held to be the agents of each town composing the union, provided, however, that the superintending school committee of any town may authorize one of its members to act for the committee in the meetings of the joint committee, and in such case, the member so authorized, may cast the votes for the full membership of his committee. Said joint committee upon notification by the commissioner shall meet between April 1 and June 30 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. Said joint committee 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 commissioner, together with the amounts apportioned to each town, provided that the amount so certified shall be in proportion to the amount of service performed in the several towns. Said joint committee, at the time of its organization, or as soon thereafter as possible, and whenever a vacancy shall occur, shall, subject to the conditions hereinafter provided, choose by ballot a superintendent of schools for a term of not more than 5 years and the term for which a superintendent is elected shall, in all cases, end on the 30th day of June of the year in which the contract expires. In case the joint committee shall fail to legally elect a superintendent of schools by the 30th day of June in any year, a competent and qualified agent may with the advice and consent of the commissioner serve in said capacity until such time as his successor shall be legally elected. Provided, however, that said committee, by a majority vote of its full membership, after due notice and investigation, may, for cause, discharge a superintendent of schools before the expiration of the term for which he was elected, and after such discharge the salary of said superintendent shall cease. The election of a superintendent of schools, as herein provided, shall not be effective unless said election shall be approved by the superintending school committee of the town in the said union having a majority of the teachers in the towns comprising the union and paying not less than $\frac{1}{2}$ of the salary aforesaid, exclusive of any sums paid by the state for the purpose. No person shall be

eligible to the office of superintendent of schools under the provisions of this section, unless he shall hold a state certificate of superintendence grade; and no person shall be eligible to said office if he is a member of the superintending school committee which elects said superintendent. 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; 133 Me. 162.

Sec. 71. Return to be made annually; union superintendents to be paid out of sum specifically appropriated for that purpose; superintendents may be reimbursed for expenses. R. S. c. 19, § 65. The chairman and secretary of the joint committee, provided for in the preceding section, shall, upon the election of a superintendent of schools as provided by the preceding section, certify under oath to the commissioner, upon the forms prescribed by him, all facts relative to said union and employment of a superintendent. Annually, 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 a sum equal to 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 \$1,200 in one year nor shall any school union receive less than \$1,000 per year, and provided further, that the annual appropriation for payments hereunder shall be deducted from state school funds. The commissioner annually shall cause an investigation to be made of the conditions of supervision in unions of towns, including the relative financial support for supervision by towns, the relative distances required to be traveled, and the relative amounts of expenses to be paid by superintendents of schools directly in connection with the supervision and administration of schools in unions of towns. When it appears to the commissioner that the efficiency of supervision in any union is or may be lessened because of the financial burden to towns, expenses for travel and other purposes required to be paid by the superintendent of such union because of the number and location of schools, geographical or other conditions, said commissioner, annually in August, shall issue to the governor and council a recommendation relative thereto and the governor and council, on the approval of said recommendation, may draw a warrant for payment out of the sum appropriated for superintendence of towns composing school unions in favor of the superintendent or superintendents of schools employed in said union within the school year ending June 30th immediately preceding, provided, however, that the amount so paid for the benefit of a single union shall not exceed \$350 annually and shall be in addition to other payments made to said superintendent as provided in this section, and provided further, that the amount so available for the equalization of such expenses shall not exceed $\frac{1}{5}$ of the appropriation for superintendence of towns composing school unions.

Sec. 72. Towns and cities having 75 teachers need not unite; return to be made annually in December; like regulations to be observed as in union. R. S. c. 19, § 66. 1933, c. 212. The superintending school committee of a city or town having under its care and custody an aggregate of more than 75 teachers may employ a superintendent of schools without uniting with other cities or towns for the purpose. Said superintendent of schools shall be chosen in the same manner and for the same term, his salary shall be fixed, and he may be

discharged under the same conditions as superintendents employed under the provisions of section 70. Annually, in the month of December the chairman and secretary of said committee shall certify to the commissioner, upon forms prescribed by him, all facts relative to the employment of a superintendent including the amount of the salary received; then upon the approval of said certificate by the commissioner 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 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 be at a rate exceeding \$1,200 for 1 year.

Sec. 73. Provisions made applicable to remote towns; commissioner may take initiative in appointing agent to act as superintendent. R. S. c. 19, § 72. Whenever the commissioner shall find on investigation that any town or plantation is so situated that it is not practicable to form a union in accordance with the provisions of sections 68 to 72, inclusive, and sections 76 to 79, inclusive, he may place at the service of the committee of such town or plantation the general agent for the schooling of the children in unorganized townships, or any other agent of the commissioner, who shall, when so assigned, serve as the superintendent of schools of said town or 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 town or plantation shall be at such intervals as may be directed by the commissioner.

Sec. 74. Reimbursements to be added to appropriation for union school superintendents; may be used for traveling expenses of agents. R. S. c. 19, § 73. Whenever the schools of any town or plantation shall be placed under the supervision of agents of the commissioner, as provided by the preceding section, the treasurer of said town or plantation shall pay to the treasurer of state a sum which shall be at the rate of \$25 annually for each of the schools of said town or plantation, and the amount so received by the treasurer of state shall be added by him to the appropriation for the superintendence of towns composing school unions and may be used for defraying the traveling expenses of agents so employed.

Sec. 75. Appropriation for salary of superintendent. R. S. c. 19, § 67. Towns shall appropriate for the salary of the superintendent of schools their proportion of the sum paid said superintendent to the amount certified by the joint committee to the town treasurer, and said proportion to be paid by any town may be paid out of an appropriation for the salaries of town officers or out of a special appropriation for the purpose or out of both, but it shall not be paid from any appropriation made for the support or maintenance of public schools or high schools.

Sec. 76. Conference of instruction to be held. R. S. c. 19, § 68. The commissioner shall annually hold a conference for the instruction of superintendents serving under the provisions of the 8 preceding sections; he may expend not exceeding \$500 out of the appropriation for the superintendence of towns composing school 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. 77. Commissioner to make regulations under which certificates shall be issued. R. S. c. 19, § 69. Persons employed to serve as superintendents of

schools under sections 70 to 72 shall hold state certificates of superintendence grade which shall be issued under such regulations as may be prescribed by the commissioner.

Sec. 78. Powers and duties of superintendents. R. S. c. 19, §§ 69, 70. 1935, c. 9. 1939, c. 176. A superintendent of schools employed under the provisions of sections 70 to 72 shall have the following powers and duties:

I. Secretary ex officio. He shall be, ex officio, secretary of the superintending school committee and of any school building committee chosen by the town, and shall perform such duties not herein enumerated as said committees shall direct.

II. Auditor; vouchers to be approved by majority of board. 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.

136 Me. 23.

III. Shall visit the schools; annual report. He shall examine the schools and inquire into the regulations and the discipline thereof and the proficiency of the pupils, for which purposes he shall visit each school at least the minimum number of times each term which the joint committee may designate. At the annual town meeting, he shall make a written report of the condition of the schools for the past year, with a statement of the condition of school buildings, the proficiency made by the pupils, and the success attending the modes of instruction and government thereof, and transmit a copy to the commissioner.

IV. Shall keep account of finances and report once a term to committee of respective towns. He shall keep a faithful and accurate account of school finances, and he shall report at least once a term in writing to each of the several committees of the supervisory union, including in such report a statement of the condition of the schools, a financial statement, and a statement of the condition of school buildings and outbuildings in the matter of repair, cleanliness, and sanitary arrangements.

136 Me. 23.

V. Shall nominate teachers; election to be approved by committee; teachers may be elected under contract. (1935, c. 9) (1939, c. 176). He shall nominate all teachers subject to such regulations governing salaries and the qualifications of teachers as the superintending school committee shall make, and upon the approval of nominations by said committee, he may employ teachers so nominated and approved for such terms, not to exceed 5 years, as he may deem proper, subject to the approval of the school committee. Provided, in case the superintendent of schools and the superintending school committee fail to legally elect a teacher, the commissioner shall have authority to appoint a substitute teacher who shall serve until such election is made.

136 Me. 23; 137 Me. 243.

VI. Shall supervise work of teachers. He shall direct and supervise the work of all teachers.

VII. Shall select and purchase text-books on approval of committee. He shall select text-books, supplies, and apparatus subject to the approval of the

superintending school committee and shall make all purchases of the same under such regulations as the superintending school committee shall adopt.

VIII. Shall distribute and account for supplies. He shall see to it that all necessary apparatus and supplies are seasonably distributed to each school and accurately accounted for and economically used.

IX. Shall enforce rules of committee. He shall enforce or cause to be enforced all regulations of the superintending school committee.

X. Shall devote entire time to superintendence. (R. S. c. 19, § 69) He shall devote his entire time to superintendence in the towns composing the union; provided, however, that he may, without violation of the provisions of this section, perform such educational service outside of the towns of his union as may be performed with the approval of the commissioner and with the consent of the committee employing him.

Sec. 79. Appropriation exclusive of amount required for public school purposes; forfeiture for violation. R. S. c. 19, § 71. No town shall receive state aid under sections 71 and 72 unless its appropriation and expenditure for superintendence have been exclusive of the amount required by law for public 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 sections, 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 sections until the amount so misapplied has been raised and expended for superintendence by such town or union of towns.

Compulsory Education

Sec. 80. Towns may make by-laws concerning truants; approval. R. S. c. 19, § 74. Towns may make such by-laws, not repugnant to law, concerning habitual truants and children between 6 and 17 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 \$20, for any breach thereof; but such by-laws must be first approved by a justice of the superior court.

See c. 80, § 83, re purposes for which by-laws may be made.

Sec. 81. Violation of by-laws. R. S. c. 19, § 75. Attendance officers elected as provided in section 85 shall alone make complaints for violations of said by-laws, and shall execute the judgments of the magistrate.

65 Me. 130.

Sec. 82. Truant children may be placed in suitable institutions. R. S. c. 19, § 76. A 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 80.

Sec. 83. Children between certain ages required to attend school unless excused or excluded by committee; penalty for neglect; exception for subnormal child. R. S. c. 19, § 77. 1931, c. 13. Every child between the 7th and 15th

anniversaries of his birth and every child between the 15th and 17th anniversaries who cannot read at sight and write legibly simple sentences in the English language and every child between the 15th and 16th anniversaries who has not completed the grades of the elementary school shall attend some public day school during the time such school is in session, and an absence therefrom of $\frac{1}{2}$ 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 obtains equivalent instruction, for a like period of time, in a private school in which the course of study and methods of instruction have been approved by the commissioner, or in any other manner arranged for by the superintending school committee with the approval of the commissioner; 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 of not more than \$25, or by imprisonment for not more than 30 days; provided further, that a child between the ages of 14 and 16 who, because of subnormal mental capacity, is unable to successfully pass the tests necessary to allow a regular work permit to be issued, may under conditions deemed proper receive a work permit issued jointly by the commissioner and the commissioner of labor, such persons to be employed in non-hazardous occupations.

See § 86; c. 25, § 18, re employment of minors; 124 Me. 40.

See Act of 75th Congress; Public No. 718, c. 676, 3rd Session, §§ 12, 13.

Sec. 84. Children may be allowed to attend school in adjoining town on terms agreed upon; tuition. R. S. c. 19, § 78. 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 98, 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 98, 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. 85. Election of attendance officers; their authority and duties; vacancies; penalty for neglect of duty. R. S. c. 19, § 79. The superintending school committee of every city and town shall annually elect one or more persons, to be designated attendance officers, who shall inquire into all cases of neglect of the duties prescribed in section 83 and ascertain the reasons therefor and shall promptly report the same to the superintending school committee, and such attendance 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 such officers shall enforce the provisions of sections 192 to 194, inclusive. Attendance 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 14 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 25, 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 attendance officers all work permits and vacation permits required to be kept on file in such establishments under the provisions of chapter 25. Superintending school committees shall elect attendance 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 compensations shall be paid from the appropriation made for the salaries of municipal officers. Any attendance officer neglecting any duty required of him under the provisions of this chapter shall be punished by a fine of not less than \$10, nor more than \$50; and any town failing through its superintending school committee to meet said provisions shall be liable to the provisions of section 26.

Sec. 86. Habitual truant; attendance officer to make complaint. R. S. c. 19, § 80. If a child without sufficient excuse is habitually and wilfully absent from school or fails without such excuse to attend school for 5 day sessions or for 10 half-day sessions within any period of 6 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 83, the provisions of the 2 following sections will be enforced against them; and if thereafter such child continues irregular in attendance, the attendance officers or any of them shall, when so directed by the superintending school committee or superintendent, in writing, enforce said provisions by complaint.

Sec. 87. Persons responsible for truancy punished. R. S. c. 19, § 81. 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 of not more than \$20, or by imprisonment for not more than 30 days.

Sec. 88. Habitual truants may be committed to state institutions; attendance officer may execute warrants. R. S. c. 19, § 82. 1933, c. 118, § 1. On complaint of the attendance 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 courts and trial justices shall have jurisdiction of such complaint and of the offenses described in sections 83, 85, and 87. 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 83, 85, and 87, may be directed to

and executed by the attendance officer, or either of the attendance officers, of the town where the offense is committed. All fines collected under said 2 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.

See c. 136, § 41, re probation officers have for some purposes authority of attendance officers.

See P. & S. L., 1905, c. 346, § 2.

Free High Schools, Academies, and Seminaries

Sec. 89. Classification of high schools. R. S. c. 19, § 83. 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 one of the following classes:

Class A. This class shall include such schools as maintain at least 1 approved course of study through 4 years of 36 weeks each and of standard grade, together with approved laboratory equipment, and shall employ at least 2 teachers; provided, the town or union maintaining such school shall appropriate and expend for instruction therein at least \$850 annually exclusive of all tuition received.

Class B. This class shall include such schools as maintain 1 approved course of study through at least 2 years of 36 weeks and of standard grade, together with approved equipment, provided, the town or union maintaining such school shall appropriate and expend for instruction therein at least \$500 annually exclusive of all tuition received.

Junior High School. This class shall include such schools as maintain a diversified program of studies approved by the commissioner, for such grades or years as he shall prescribe, throughout a school year of at least 36 weeks, provided that the last 2 years of the elementary schools and not more than 2 grades or years of the high school may be included in such a school, and provided that the cost of maintenance may be taken from high school funds, or from high school funds and elementary school funds combined, in proportion to the cost of maintenance of the several grades. A school of this class may be maintained in connection with or as a part of a class A high school as defined in this section.

Sec. 90. Town not obliged to pay tuition under § 98. R. S. c. 19, § 84. A town or union maintaining a class A high school as defined in section 89 shall not be required to pay tuition under the provisions of section 98. A town or union maintaining a class B or junior high school as defined in section 89 shall not be required to pay tuition for any pupil until he has completed that part of the course or the equivalent thereof of said school approved by the commissioner.

Sec. 91. Schools to be inspected. R. S. c. 19, § 85. All schools of secondary grade receiving state aid shall be inspected under the direction of the commissioner, and the expense thereof shall be paid from the state appropriation for the support of high schools; and he shall determine what schools are included in the classification of section 89, 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. 92. Free high schools, number in any town limited; adjoining towns may maintain high schools; conveyance or board of pupils; town to receive and expend gifts, bequests, and funds surrendered by academies; state aid; penalty for misapplication of money appropriated by state. R. S. c. 19, § 86. Any town may establish and maintain not exceeding 2 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 maintain-

ing 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 public schools, raise and appropriate a sum for the payment of conveyance or board of pupils attending secondary schools, said sum to be expended under the direction of the superintending school committee. Provided that in cases of pupils who reside on islands within towns and cities and on which there is no secondary school and from which regular transportation lines are established and in operation, said towns and cities shall pay transportation charges of said children; provided, however, that such transportation shall be over regular lines, at not to exceed regular fares and no subsidy; provided also that transportation lines shall have the privilege of establishing such school fares, not to exceed the regular fare, as may be agreed upon by the officials of said transportation lines and the school board or school committee of the town or city of which said islands are a part. 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 school by such town.

Sec. 93. Course of study; schools to be free to youth in any town or union of towns; admission of pupils from without towns. R. S. c. 19, § 89. 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.

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.

Sec. 94. Free high schools subject to the school laws, except in certain cases; their management and supervision. R. S. c. 19, § 90. Free high schools, established and maintained under the provisions of sections 89 to 93, inclusive, are subject to the laws relating to public 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.

137 Me. 243.

Sec. 95. Towns may raise money to maintain free high schools. R. S. c. 19, § 91. Towns may raise money for establishing and maintaining free high schools, and erecting buildings and providing equipment for the same, in the same manner as for supporting public schools and erecting schoolhouses.

137 Me. 243.

Sec. 96. Provisions for pupils in towns having no free high schools. R. S. c. 19, § 92. 1943, c. 122. 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 towns, or the trustees of any academy located within such town or in any adjoining town or towns, for the schooling of pupils within said town in the studies contemplated by section 89. When the amount to be paid under the contract shall equal or exceed the income of the academy for the preceding year, exclusive of sums paid said academy by the contracting town, a joint committee shall be formed consisting of the superintending school committee of said town and an equal number of the trustees of the academy. Said joint committee shall be empowered to select and employ the teachers for the academy, to fix salaries, to arrange the course of study, to supervise the instruction, and to formulate and enforce proper regulations pertaining to other educational activities of the school. The superintendent of schools of the contracting town in which the academy is located shall be secretary ex officio of the joint committee and shall be assigned such supervisory duties in connection with the school as the joint committee shall determine. When a town has made a contract as provided for in this section, the tuition liability of said town shall be the same as if a free high school were maintained in accordance with section 89, and the expenditure of any town for schooling of pupils 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.

See c. 80, § 90, re purposes for which money may be raised.

Sec. 97. Condition of state aid. R. S. c. 19, § 107. No town shall receive state aid under the provisions of section 96 if a free high school of standard grade is maintained in such town.

Sec. 98. A youth residing in town not supporting a secondary school may attend such school elsewhere; tuition to be paid by town; free tuition while youth maintains satisfactory standards. R. S. c. 19, § 93. 1931, c. 42. 1933, c. 63. 1943, c. 180, § 1. 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 commissioner. In such case, the tuition shall not exceed \$125 annually for any one youth, except that the tuition shall not exceed \$100 annually for any one youth in a secondary school which has not maintained a pupil-teacher ratio of at least 15 to 1 during the preceding year, or an average pupil-teacher ratio of 15 to 1 during the preceding 5 years, and which does not offer at least 3 courses of study, two of which shall be in-

dustrial or vocational. Said tuition shall be paid by the town in which said youth resides as aforesaid, and said tuition so paid shall be made a part of the high school fund of the town receiving the same. Towns shall raise annually, as other school moneys are raised, a sum sufficient to pay such tuition charges. Provided, however, that no youth shall be entitled to free tuition under the provisions of this section unless he shall have satisfactorily passed an examination in elementary school branches, said examination having been given under the direction of the superintendent of schools of the town wherein such youth resides on papers procured from the commissioner, or unless such youth shall have satisfactorily completed a standard elementary school course of study which has been approved by the commissioner; except that any youth who has satisfactorily completed the course of a class B or junior high school, as provided by section 89, shall be entitled to his free tuition, as hereinbefore provided, for the completion of the 4 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 class or junior high school for such part of the course of such high school as may be approved as equivalent in grade to the corresponding years of a standard secondary course. Superintendents of schools shall issue certificates of free tuition privilege to persons who may be entitled to free tuition under the provisions of this section. Any school receiving tuition pupils under the provisions of this section shall provide, without additional charge, all text-books, apparatus, and appliances used by said pupils, subject to the provisions of sections 29 to 31, inclusive.

See § 99. 100 Me. 549; *101 Me. 553.

Sec. 99. Reimbursement to towns for tuition for pupils attending secondary schools. R. S. c. 19, § 206. 1941, c. 45; c. 168, § 1. 1943, c. 180, § 2. When any town shall have been required to pay and has paid tuition for pupils attending secondary schools, as provided by section 98, the superintendent of schools of such town shall make a return under oath to the commissioner before the 1st day of September, annually, for the preceding school year, stating the name of each pupil for whom tuition has been paid, the amount paid by the town for each, and the name and location of the school which each has attended. Upon the approval of said return, the commissioner shall apportion to such town a sum equal to $\frac{2}{3}$ the amount thus paid by such town. Provided further, that tuition for such pupils may be paid by towns to an amount not exceeding the average cost per pupil for the year preceding that for which the tuition is paid in the school attended by such pupil, except that no payment in excess of said average cost shall be made except by a vote of the town, but such payment by any town shall not exceed \$125 for any pupil for any 1 year, subject to the provisions of section 98, and reimbursement to any town for any 1 year shall not exceed \$700. Provided further, that the average cost per pupil shall be determined by dividing the sum of expenditures for instruction, fuel, and janitor service, text-books and supplies, and ordinary minor repairs by the average daily attendance of all regularly enrolled students. Provided further, that any town not maintaining a high school may pay tuition for any student who with parents or guardian resides in said town and who attends an approved school of secondary grade in a town adjacent

to the state of Maine in another state, when distance and transportation facilities make attendance in a Maine high school or academy inexpedient.

Provided, however, that when pupils are sent from one city, town, or plantation to another, any accounts for tuition of such pupils shall become due and payable on the 30th day of June, at the end of that school year; if such accounts are not paid on or before the 1st day of September of that year, the commissioner shall pay such accounts, or so much thereof as he shall find to be rightly due, to the receiving city, town, or plantation at the next regular annual apportionment, together with interest on such accounts at the rate of 6% annually, computed from said 1st day of September, and the commissioner shall charge any such payment against the apportioned fund of the sending city, town, or plantation.

Sec. 100. Tuition for state wards. 1943, c. 335. Towns which do not maintain or support a secondary school shall be reimbursed by the department of health and welfare for the amounts expended by them for secondary tuition of state wards residing in such towns.

See c. 22, §§ 337 and 364, re schooling of children of Indian tribes.

Sec. 101. Returns to commissioner of expenditure for free high schools; commissioner to certify amounts to which towns are entitled; appeal to governor and council. R. S. c. 19, § 94. Superintendents shall, annually, before the 1st day of July, make returns under oath to the commissioner on blanks prepared and sent out by him, of the amount appropriated and the amount expended by each town for instruction in such free high schools during the current year; also of the amount appropriated and the amount expended for elementary 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, and the number of pupils in each branch of study pursued, and the amount received for tuition. If the commissioner is satisfied that the provisions of sections 89 to 96, inclusive, have been complied with, he shall certify to the governor and council the sum which each town is entitled to receive from the state; provided that in case any town has failed to comply with any of said provisions by reason of circumstances beyond its control, he may after proper investigation certify such part of the high school aid as circumstances may justify. Any town 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 for such amount as they adjudge such town entitled to receive from the state treasury.

Sec. 102. Penalty for defrauding state. R. S. c. 19, § 94. Any person connected with the management of free high schools coming under the provisions of section 101, 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 be punished by a fine of not less than \$500, or by imprisonment for not less than 1 year.

Sec. 103. Trustees of academies, etc., may surrender property to establish free high schools. R. S. c. 19, § 101. 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. 104. Property, how conveyed. R. S. c. 19, § 102. When the vote described in section 103 is passed, the treasurer of the trustees mentioned in section 103 shall convey, assign, and deliver to the municipal officers of said town, or the trustees of the said school fund, all property belonging to such academy or corporation for the purposes indicated by the preceding section.

Sec. 105. Income of property, how applied; qualifications of pupils, how determined; tuition to be paid by non-residents. R. S. c. 19, §§ 103, 104. The municipality accepting the property in trust, as named in section 103, 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.

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. 106. State aid to academies. R. S. c. 19, §§ 105, 108, 109, 110. 1931, cc. 92, 211. 1933, cc. 104, 168. 1937, c. 37. 1939, c. 260. 1941, c. 232. 1943, c. 193.

I. (R. S. c. 19, § 105-I) (1933, c. 104) 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 \$500 in case it maintains a general secondary school course of study as prescribed by the commissioner, or a sum not exceeding \$750 in case it maintains in addition to a general course, a college preparatory course; provided that the courses of study herein named shall be subject to the approval of the said commissioner, and provided that the amount paid by the state to any academy under this subsection 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 subsection shall provide instruction as contemplated by this subsection for not less than 30 weeks in each year; and provided further, that no academy shall be credited with maintaining a course of study under this subsection unless the said academy shall have an average of not less than 12 students in said course.

A. (R. S. c. 19, § 108) No academy shall receive state aid under subsection I unless incorporated prior to May 1, 1907.

B. (R. S. c. 19, § 109) No academy shall receive state aid under subsection I unless the average attendance in said academy for the year preceding or for 5 years next preceding shall exceed 30 students, and no academy shall receive to exceed \$500 unless the average attendance in said academy for the year preceding shall exceed 60 students.

C. (R. S. c. 19, § 110) No academy shall receive state aid under subsection I if said academy has an annual income from invested funds exceeding \$3,000; and no academy shall receive state aid under the provisions of said subsection I to exceed \$500 in any given year provided the said academy has an annual income from invested funds exceeding \$1,000; provided, however, that any academy with a larger average attendance than 200 shall receive such aid not to exceed \$1,000 if its annual income from invested funds, after deducting interest paid on its indebtedness, does not exceed \$3,000.

II. (R. S. c. 19, § 105-II) (1931, cc. 92, 211) (1933, c. 168) (1937, c. 37) (1939, c. 260) (1941, c. 232) (1943, c. 193) For the purpose of placing the academies and institutions of the state which provide instruction beyond the secondary schools but less than 4 years of college, on an educational basis with definite financial aid, the commissioner, with the approval of the governor and council, is authorized to issue to such academies as come within the provision set up by the statutes, and in addition to the provisions above stated, and in the same manner, funds as follows: academies with an enrolment of from 20 to 40 pupils, \$27 per capita; 41 to 60 pupils, \$25 per capita; 61 to 80 pupils, \$21 per capita; 81 to 100 pupils, \$19 per capita; 101 to 150 pupils, \$17 per capita; 151 to 200 pupils, \$13 per capita; and over 200 pupils, \$7 per capita; provided that when a slight increase in attendance would cause an institution to receive a reduced amount, the commissioner shall make an adjustment. In addition to the sums required for distribution on the above provision, the commissioner shall issue such amounts and to such institutions as may be directed by the legislature, but in no case shall the amounts distributed to the academies of the state, automatically or by resolve, exceed the amount provided herein, and there shall be appropriated annually \$105,000 to be deducted from the state school fund. It shall be the duty of the commissioner to furnish to the education committee of the legislature biennially, and at such times as it may require, a statement of the sums necessary for distribution under the provisions of this subsection so that the legislature may know the amount available as an adjustment fund within the sum provided. Provided, the restrictions of section 97 and paragraphs A, B, and C of subsection I of this section shall not apply to the distribution of the per capita allowances or the adjustment fund; provided further, that only those academies that received state aid under the provisions of chapter 247 of the resolves of 1927 shall be eligible to share in the per capita allowance. Institutions having incomes of over \$3,500 from invested funds shall not receive per capita allowance but may share in the adjustment fund.

Sec. 107. Institutions receiving state aid to make report to commissioner; construction of terms; mode of payment. R. S. c. 19, §§ 106, 111. Every educational institution receiving state aid, and the officers and teachers of every academy receiving money from the state, and of every academy or private school approved for attendance or tuition purposes, shall annually, on or before the 1st day of August, report to the commissioner the total and average attendance, an account of the moneys received and expended during the preceding year, and the number of instructors, and such schools as are approved for state aid or tuition purposes shall report such other items as he may require. Such

reports shall be published in the annual report of the commissioner. 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 106 and 107 the word "academy" occurs, it shall be construed to include "seminary or institute."

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 provisions of section 106, 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 commissioner 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 provisions of said section 106.

Sec. 108. Certain institutions to have audit made. 1931, c. 132. Every private educational institution, eligible to receive financial aid from the state by statutory enactment, shall on or before September 1st of each year furnish to the state auditor satisfactory proof that the books, accounts and financial documents of said institution for the fiscal year preceding have been examined and found to be in a satisfactory and accurate condition with proper vouchers on file, said audit to be conducted by an accountant or accountants whose competency shall be approved by the state auditor.

Sec. 109. State auditor or commissioner may cause audit to be made. 1931, c. 132. The state auditor may cause an audit to be made of the books, accounts, and financial documents of institutions mentioned in section 108, which have or have not complied with the provisions of said section, when requested to do so by three or more duly elected and qualified officers of said institution, said audit in all cases to be conducted at the expense of the institution. When in the opinion of the commissioner an audit is necessary, he shall request the state auditor to cause such audit to be made, the audit in such instance to be at no expense to the institution in question.

Sec. 110. Forfeiture of state aid. 1931, c. 132. Institutions which have not complied with the provisions of either section 108 or 109 before the 1st day of September of each year shall not be eligible to receive financial aid otherwise forthcoming from the state for the fiscal year preceding.

University of Maine

See 1931, c. 216, Art. I, § 1

Sec. 111. Commissioner of education ex officio member of board of trustees of University of Maine. R. S. c. 19, § 112; c. 125, § 48. As the state is providing large appropriations for the support of the University of Maine, the state should have a more direct connection with its affairs both financial and educational, therefore, it is provided that the commissioner shall be ex officio a member of the board of trustees of the University of Maine with all of the powers and privileges of members and that his membership on said board shall be coetaneous with his term of office as commissioner.

The trustees of the University of Maine shall serve without pay but shall receive their actual traveling and other expenses incurred in the performance of their official duties.

Sec. 112. Investment of trust funds of the University of Maine. 1941, c. 21. Endowment, trust, and other non-expendable funds for investment held by the trustees of the University of Maine, which have been and may be hereafter created and established by private donors for the benefit of said university or for any purpose related directly to the activities of said university, shall be preserved in their several separate identities in the books of account of the university and administered according to the terms of the gift; and the trustees of the University of Maine, for the purpose of investment only, and in order to afford to each fund the advantage of a diversification of risk wider than can be obtained by preserving the investment unity of each fund, and in the absence of any conditions or restrictions to the contrary made by the donor, may combine, pool, and merge any such funds with other similar funds, and account for profits, losses, and income to each individual fund in the proportion which its value bears to the total value of the merged fund as of the date of merger; and whenever a new fund is so merged in an existing combination of funds, for the purpose of determining the proportionate shares, the assets of such existing combination of funds shall be calculated at the then market value, and the future shares of each individual fund shall be determined in the proportion of its value to the whole of the new combination.

Sec. 113. Full-time treasurer at University of Maine; compensation. R. S. c. 19, § 113. 1933, c. 44. The trustees of the University of Maine shall appoint a full-time treasurer, who shall give bond for the faithful performance of his duties in such amount and with such conditions and sureties and shall receive such compensation as the said trustees may determine.

Sec. 114. Duties and powers of treasurer. R. S. c. 19, § 114. 1939, c. 57. The treasurer of the University of Maine shall receive and have custody of all moneys received for the University of Maine, and shall make all expenditures upon vouchers authenticated and approved in a manner designated by the trustees. The treasurer shall have no authority to contract debts and obligations, excepting loans in anticipation of assured revenues when approved by vote of the trustees, and other loans when directed by vote of the trustees and duly and properly authorized by the governor and council.

Sec. 115. Treasurer's report. R. S. c. 19, § 115. The treasurer shall prepare a complete report for the periods ending on June 30th and December 31st of each year, and forward a copy of said semiannual report of the colleges to the governor and council and also the board of trustees.

Sec. 116. Resident auditor may be appointed by state auditor. R. S. c. 19, § 116. 1931, c. 131. The state auditor may appoint a resident auditor for the University of Maine, whose duties shall be to audit the accounts and perform such other work as may be required of him by the state auditor, and under his direction; suitable office quarters to be furnished by the university. The salary and just expenses of the resident auditor shall be paid from the state auditor's appropriations.

Sec. 117. Mill tax to be assessed to support University of Maine. R. S. c. 19, §§ 117, 118. A tax of 1 mill 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 the University of Maine. 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 University of Maine fund.

Sec. 118. University of Maine fund to be in lieu of all other state support except trust funds held by state. R. S. c. 19, § 119. The University of Maine fund shall be disbursed by the treasurer of state upon proper order of the trustees of the University of Maine upon requisition approved by the governor and council. This fund shall be in lieu of all other state support, except trust funds held by the state for the benefit of the university; and from said fund the trustees shall provide for the necessary buildings, equipment, and maintenance of all departments of the university. From said fund shall also be paid such moneys as may be necessary to meet federal requirements in connection with said university.

See c. 32, § 8, re instruction in forestry.

War Orphans

Sec. 119. "Orphan of veteran", defined. 1933, c. 194, § 1. 1935, c. 105, § 1. 1943, c. 261, § 1. For the purposes of administering the provisions of sections 119 to 122, inclusive, an orphan of a veteran shall be defined as a child not under 16 and not over 22 years of age whose father served in the military or naval forces of the United States during World War I or World War II and was killed in action or died from a service connected disability as a result of such service. War orphans whose fathers entered the service from Maine or who have resided in the state for 5 years immediately preceding application for aid under the provisions of said sections and which children have graduated from high school and are attending a vocational school, or an educational institution of collegiate grade, shall be eligible for benefits provided under said sections.

Sec. 120. Purposes of appropriation; how distributed. 1933, c. 194, § 2. 1935, c. 105, § 2. 1943, c. 261, § 2. Any sum or sums appropriated under the provisions of sections 119 to 122, inclusive, shall be used for the purpose of providing for tuition, matriculation fees, board, room rent, books, and supplies; provided, however, that the maximum amount payable in any 1 year for any person eligible under the provisions of said sections shall not exceed \$150. The state department of education shall determine the eligibility of the children who make application for the benefits provided under said sections and shall determine the amount to be awarded to each eligible applicant, not in excess of the maximum amount specified in this section, giving due consideration in each case to the necessary expenses for attending school and the resources available to the applicant for meeting these expenses. The department shall provide such forms and make such rules and regulations as it considers necessary for carrying out the provisions of said sections.

Sec. 121. Free tuition. 1933, c. 194, § 3. 1935, c. 105, § 2. 1943, c. 261, § 3. All children qualifying as war orphans under the provisions of sections 119 to 122, inclusive, shall be admitted to state supported institutions of collegiate grade free of tuition.

Sec. 122. Appropriations. 1933, c. 194, § 4. 1943, c. 261, § 4. Appropriations for the administering of the provisions of sections 119 to 122, inclusive, shall be determined from the recommendation of the commissioner, who shall furnish estimates of the costs of carrying out the provisions of the said sections in the same manner as other appropriations accruing to the department of education are handled.

Duties and Qualifications of Instructors. Degrees. Holidays

Sec. 123. Presidents of colleges, tenure of office. R. S. c. 19, § 120. Presidents of colleges are removable at the pleasure of the trustees and overseers whose concurrence is necessary for their election.

Sec. 124. Conferring literary or academic degrees without authority of legislature prohibited; penalty. R. S. c. 19, § 121. 1933, c. 191. No person, partnership, institution, or corporation shall be empowered to confer educational, literary, or academic degrees unless thereunto expressly authorized by an act of the legislature. Any person, partnership, institution, or corporation offering or conferring degrees, or purporting to offer and confer degrees, without being thereunto duly authorized, shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 11 months, or by both such fine and imprisonment.

The trustees or officers of any college or other institution of learning, whether incorporated or not, upon going out of existence or ceasing to function as an educational institution, may turn over its records of all grades attained by its students to the state library to be preserved by it as a central depository of this valuable historical material.

The state library is designated the central depository for the records of such educational institutions in this state as have ceased to exist, or may cease to exist in the future. The state library shall, where possible, collect the records of such educational institution extinct, or hereafter becoming extinct, and have the supervision, care, custody, and control of said records. They shall, when requested, prepare transcripts of such grade records, which may, at any time become necessary to the former student, for further scholastic work at other institutions, for certification for teaching and other professional positions. Whenever such transcript is made, and after it has been compared with the original, it shall be certified by the state library and shall thereafter be considered and accepted as evidence and, for all other purposes, the same as the original could be. For the preparation of such transcript the state library may charge a nominal fee to compensate them for the actual labor of preparing such transcript.

The provisions of this section shall be mandatory in the case of all new educational corporations chartered after June 30, 1933.

Sec. 125. Fees for degrees conferred. R. S. c. 19, § 122. 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. 126. Instructors of colleges, etc., to inculcate certain virtues; kindness to birds and animals to be taught in public schools. R. S. c. 19, § 124. 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 $\frac{1}{2}$ hour of each week of the school term to teaching to the children under their charge, in correlation with other studies of the school curriculum, the great principles of humanity as illustrated by kindness to birds and animals and regard for all factors which contribute to the well-being of man.

78 Me. 511.

Sec. 127. Readings from scriptures in public schools; no sectarian comment or teaching. R. S. c. 19, § 125. To insure greater security in the faith of our fathers, to inculcate into the lives of the rising generation the spiritual values necessary to the well-being of our and future civilizations, to develop those high moral and religious principles essential to human happiness, to make available to the youth of our land the book which has been the inspiration of the greatest masterpieces of literature, art, and music, and which has been the strength of the great men and women of the Christian era, there shall be, in all the public schools of the state, daily or at suitable intervals, readings from the scriptures with special emphasis upon the Ten Commandments, the Psalms of David, the Proverbs of Solomon, the Sermon on the Mount, and the Lord's Prayer. It is provided further, that there shall be no denominational or sectarian comment or teaching, and each student shall give respectful attention but shall be free in his own forms of worship.

Sec. 128. School committee may provide for moral instruction. 1939, c. 278, § 1. The school committee of each city or town is authorized and empowered to provide for the moral instruction of pupils subject to the jurisdiction of such committee in the manner provided for in sections 128 to 134, inclusive.

Sec. 129. Survey of religious affiliation may be made. 1939, c. 278, § 2. The school committee of each city or town may authorize and complete a survey of the religious affiliations of all pupils attending the public schools within such city or town, and ascertain those pupils who desire and have the consent of parent or guardian for moral instruction. On a day in each week, to be fixed by the board, it may excuse such pupils for at least 1 hour for the purpose of attending their respective places of worship, or some other suitable place, there to receive moral instruction in accordance with the religious faith of said pupils.

Sec. 130. Rules and regulations. 1939, c. 278, § 3. Each school committee is authorized to adopt rules and regulations for carrying into effect the provisions of sections 128 to 134, inclusive, and to make such arrangement with the respective persons in charge of the several denominations for the giving of the aforesaid moral instruction.

Sec. 131. Credit for time spent at places of worship. 1939, c. 278, § 4. Pupils attending their several places of worship for moral instruction therein at the time specified and for the period fixed shall be credited with the time so spent as if such pupils had been in actual attendance at school.

Sec. 132. Children to remain in school or be present at place of worship. 1939, c. 278, § 5. Any child which, for any reason fails to receive the aforesaid moral instruction, shall remain in school during the period when such instruction is being given as herein provided, but such child shall not receive any educational advantage over children receiving said instruction.

Sec. 133. Expense. 1939, c. 278, § 6. The aforesaid moral instruction shall be given without expense to any city or town, the pupils of which receive such

instruction, and no city or town, or the school committee thereof, shall incur any expense for such instruction beyond the cost of the original survey, hereinbefore mentioned.

Sec. 134. Intent of §§ 128-134. 1939, c. 278, § 7. It is declared to be the intent of the legislature that the provisions of sections 128 to 134, inclusive, shall be permissive and not mandatory.

Sec. 135. First Friday in March Temperance day; commissioner to prepare material; school teachers to comply with provisions. R. S. c. 19, § 126. The 1st Friday in March of each year or the school day in each year nearest that date shall be designated as Temperance day, and in every public school in this state not less than 45 minutes of the school session shall be set apart and used for instruction and appropriate exercises relative to the history and benefits of temperance laws; said schools to continue their work so far as practicable during the remainder of the day.

It shall be the duty of the commissioner to prepare suitable material for the observance of Temperance day. It shall be the duty of all school officials in the several towns of the state and all public school teachers within the state to comply with the provisions of this section.

Sec. 136. School holidays; special observance of New Year's day, Washington's birthday and Columbus day. R. S. c. 19, § 127. 1935, c. 136, § 1. The following days shall be observed as school holidays, namely: Patriot's day, April 19; Memorial day, May 30; Independence day, July 4; Labor day, 1st Monday in September; Armistice day, November 11; Christmas day, December 25; 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 shall close their schools on the above named days and draw pay the same as if their schools had been in session. When any one of the above named holidays falls on a Sunday, the Monday following shall be observed as a school holiday, with all the privileges applying to any of the days above named. In addition to the foregoing, New Year's day, January 1; Washington's birthday, February 22; Columbus day, October 12, 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 shall be observed as legal school holidays with the closing of schools.

See c. 11, § 11, re Arbor day.

Teachers' Associations

Sec. 137. Teachers and school officers may form associations for improvement in the art of teaching. R. S. c. 19, § 128. Whenever not less than 30 of the teachers and school officers of any county shall have formed an association

under rules of government approved by the commissioner 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 commissioner, the state shall defray the necessary expenses attending the holding of such conventions. Whenever a superintendent of schools shall hold a meeting or institute of the teachers of several towns for the purpose of giving instruction in methods of teaching or the conduct of schools or for the training of teachers already in service in a manner approved by the commissioner, financial assistance may be given by the state in defraying the expenses of such meetings.

Sec. 138. Teachers may suspend schools during conventions. R. S. c. 19, § 129. Teachers of public schools may suspend their schools for not more than 2 days in any year during the sessions of such conventions within their counties and also for not more than 2 days in any year during the sessions of any state teachers' convention approved by the commissioner, 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 commissioner, showing such attendance.

Sec. 139. Governor to draw warrants to pay expenses. R. S. c. 19, § 130. The governor and council may draw warrants on the treasurer of state for the payment of bills for the expenses provided for in section 137, when such bills shall have been approved by the commissioner, 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

Sec. 140. Powers of plantations to maintain schools. R. S. c. 19, § 131. 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. 32, § 39, re organized townships fund; c. 89, § 3, re organization of townships; 61 Me. 449.

Sec. 141. School moneys of plantations, how expended. R. S. c. 19, § 132. 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.

Schooling in Unorganized Territory

Sec. 142. Children between 5 and 21 in unorganized territory entitled to school privileges; term "unorganized territory" defined. R. S. c. 19, § 133. All children between the ages of 5 and 21 years who reside with a parent or legal guardian in unorganized territory within this state shall be entitled to

school privileges, which shall be provided under the direction of the commissioner under such rules and regulations as may be made from time to time by him and approved by the governor and council. Within the meaning of sections 140 to 155, unorganized territory shall include all territory not a part of any city, town, or plantation, and an unorganized unit shall be any unorganized township, gore, strip, tract, surplus, point, patent, peninsula, island, deorganized town or plantation or any other distinct and separate portion of unorganized state territory.

Sec. 143. Elementary schools to be established or children sent to schools already established; tuition; transportation; board. R. S. c. 19, § 134. Elementary school privileges may be provided by the commissioner by establishing and maintaining in the unorganized territory such elementary schools, the minimum school year of which shall be 32 weeks, as may seem advisable and by sending such children to elementary schools anywhere within the state as tuition pupils as he may deem expedient. All children so sent by the commissioner as tuition pupils to any public elementary school in the state shall be admitted by the school authorities having charge thereof upon receiving notice of such intention from the commissioner or any of his duly authorized agents, and they shall be entitled to all privileges and benefits and be subject to the same rules and regulations as children residing in the municipality to which they are sent; tuition shall be paid by the state for said pupils in accordance with the proportional cost per pupil of the school attended unless a rate of tuition is otherwise agreed upon; transportation or board, in full or in part, may be paid for such pupils at the discretion of the commissioner.

Sec. 144. State to pay tuition in secondary school. R. S. c. 19, § 135. Any youth who resides with a parent or legal guardian in the unorganized territory of this state and who may be judged by the commissioner qualified to enter a secondary school may attend any such school in the state to which he may gain entrance by permission of those having charge thereof, provided said school shall be of standard grade approved by the commissioner. In such case the tuition of said youth, not to exceed the same amount towns not supporting and maintaining a standard secondary school are required by law to pay annually for secondary school tuition, shall, provided a satisfactory standard of scholarship and deportment is maintained, be paid by the state under such rules and regulations as may be made by the commissioner.

Sec. 145. State to cooperate with U. S. government for schooling of children on government reservation. R. S. c. 19, § 136. Special arrangements may be made to provide elementary school privileges in cooperation with the United States government for a child or children residing with a parent or legal guardian at any light station, fog warning station, life-saving station, or other place within a United States government reservation, under such rules and regulations as may be made by the commissioner and approved by the governor and council.

Sec. 146. Appropriation for schools in unorganized territory; how used. R. S. c. 19, § 137. 1931, c. 216. Such amounts as are recommended by the department and approved by the budget committee to carry out the provisions of the 4 preceding sections shall be deducted and set aside therefor by the treasurer of state from the annual school funds of the state. All of this appropriation not expended during any fiscal year shall, on the 1st day of July next following, be added to the permanent school fund. The commissioner is authorized to use this appropriation for any purpose in connection with the schooling

of children in the unorganized territory of the state, including: teachers' salaries, board, and traveling expenses; fuel and janitor service; tuition, board, and transportation of elementary school pupils; secondary school tuition; text-books, school apparatus, and supplies; erection, equipment, repair, and maintenance of schoolhouses and requisite buildings, all of which schoolhouses shall conform to the minimum requirements for school buildings as provided by section 21; lots for school buildings or leases thereof; services and expenses of agents and attendance officers, and clerical assistance; and any other expenses he may deem necessary.

Sec. 147. Census to be procured before school privileges provided. R. S. c. 19, § 138. 1937, c. 209, § 3. Before school privileges are provided in accordance with sections 142 to 145 for a child or children in any unorganized unit, it shall be the duty of the commissioner through his agents to procure returns showing the number of persons, including the names and ages of those between 5 and 21 years, resident therein, together with such other information as he may deem necessary, and similar returns shall be required by him annually thereafter on the 1st day of April, or corrected to the 1st day of April, as long as school privileges are so provided.

Sec. 148. Limitation of school tax rate for unorganized townships with population of 200 or more. R. S. c. 19, § 139. 1933, c. 100. 1937, c. 209, § 3. 1941, c. 143. Whenever there are 200 or more persons of all ages resident of an unorganized unit which was formerly a town or plantation, on April 1 of any year, in accordance with the sworn returns of the agent for said unorganized unit duly appointed by the commissioner as provided by section 149, the total cost of school privileges provided under sections 142, 143, 144, and 146, for the school year ending on the following June 30, together with an additional charge of 5% for administration, but with deductions for the amount of interest on lands reserved, if any, of said unorganized unit for said school year and the amount said unorganized unit if a town would receive from the state as provided by sections 99, 201, 202, 203, and 204, shall be assessed upon the property of said unorganized unit by the state tax assessor and added to the state tax for the said year, provided said assessment shall be limited to a school tax rate of 10 mills on the dollar above the average of school tax rates of the municipalities of the state for the preceding school year. It shall be the duty of the commissioner to furnish on or before February 10 of said year to the state tax assessor a detailed statement of expenditures for school purposes and deductions on account of interest on lands reserved and state school funds credits as hereinbefore provided for such unorganized units, for use in making said tax assessment and as a permanent record thereof. A copy of said statement shall also be furnished the commissioner of finance, who shall credit the state school fund for the following year with the amount of said tax assessment.

Sec. 149. School agents and attendance officers may be appointed; duties. R. S. c. 19, § 140. 1937, c. 209. The commissioner shall have authority to appoint agents for the whole and any portion of the unorganized territory, and said agents shall perform such duties in connection with the schooling of children as the commissioner may authorize or delegate in each particular appointment. Said agents shall act as attendance officers for the territory covered by their appointment. Special attendance officers as may appear necessary may be appointed by said commissioner for any unorganized unit. Attendance officers for the unorganized territory shall have the same authority and be under the

same obligations as provided in section 85, with such changes as provided in section 155.

Sec. 150. State may take land for schoolhouses and appraise damages when owner refuses to sell or demands unreasonable price. R. S. c. 19, § 141. When a location for a schoolhouse and requisite buildings in any unorganized unit has been designated by the commissioner, and the owner thereof refuses to sell, or, in the opinion of the said commissioner asks an unreasonable price for it, or resides without the state and has no authorized agent or attorney therein, the said commissioner or his duly authorized agent, any time after 30 days from the time of notifying the said owner of the designation of said lot, may lay out a schoolhouse lot, not exceeding 3 acres, and appraise the damages; and on payment or tender of such damages, or if said owner does not reside in the state, upon depositing such damages with the treasurer of state for his use, may take such lot to be held and used for the purposes aforesaid, and should a school building not be erected thereon within a period of 3 years from the date the lot was taken by the state, it shall revert to the owner, his heirs or assigns. The said commissioner 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 50 feet of a dwelling-house, and all schoolhouse lots and playgrounds that require fencing shall be fenced by the state.

Sec. 151. Owner of land taken may appeal to state tax assessor. R. S. c. 19, § 142. 1931, c. 216, Art. II, § 28. If the owner is aggrieved at the location of the lot or the damages awarded, he may apply to the state tax assessor within 3 months, who may change the location and assess the damages. If the damages are increased or the location changed, the state shall pay the damages and costs; otherwise the costs shall be paid by the applicant.

Sec. 152. When unorganized unit becomes organized, school buildings must be taken over and paid for. R. S. c. 19, § 143. Whenever any unorganized unit becomes organized as a town or plantation, such town or plantation shall, within 2 years of the date of said organization, through the commissioner, pay to the treasurer of state for each school building within its limits erected or remodeled in accordance with the provisions of sections 142 to 155, inclusive, a sum to be determined by the commissioner and not less than $\frac{2}{3}$ of the cost to the state of such building, lot, and improvements, which sum shall be credited to the appropriation for schooling in unorganized territory. A record shall be kept by the commissioner of the cost of all such buildings, lots, and improvements, which shall be used as a basis for such settlement. It is further provided that any town or plantation dissatisfied with the sum determined upon by the said commissioner in such case may, after a vote taken by the town or plantation at a regular or special meeting called for the purpose, appeal to the governor and council who shall make the final decision relative thereto.

Sec. 153. School property in unorganized territory to be taken over by state; when town or plantation is deorganized school property to be taken by state. R. S. c. 19, § 144. Any school building in unorganized territory may be used and held for school purposes by the commissioner, and all repairs, changes, or additions thereto shall be made under his direction or that of a duly authorized agent. All school buildings not privately owned in unorganized territory are declared to be the property of the state. Whenever a town or plantation becomes deorganized by act of the legislature, all school property therein shall become

the property of the state and under the charge of the commissioner, the same as other school property in unorganized territory.

Sec. 154. When town or plantation fails to elect officers, state to take charge of school property and provide school privileges. R. S. c. 19, § 145. Whenever the civil organization of any town or plantation becomes defunct through failure to hold the annual town or plantation meeting, failure to fill vacancies in necessary offices, or in any other manner, it shall be the duty of the commissioner to assume charge of all school property therein, to require an accounting for all town or plantation school funds, and to provide school privileges for children between 5 and 21 years of age whose parents are residents of such town or plantation, until such time as it shall recover its civil organization or is deorganized by act of the legislature. The commissioner may provide the school privileges in such manner as he may deem expedient under the supervision of any of the agents of the unorganized territory or a special agent appointed by him for the purpose. The expense of such school privileges shall be paid from the appropriation for schooling in unorganized territory, and in case any such town or plantation recovers its civil organization within a period of 2 years, the amount of any such expense paid by the state shall, upon recommendation of the commissioner, be deducted by the treasurer of state from any school funds that may subsequently become payable to such town or plantation by the state and credited to the appropriation for schooling in unorganized territory.

Sec. 155. Law as to compulsory school attendance, etc., to be applicable in unorganized territory; state to distribute laws. R. S. c. 19, § 146. The compulsory school attendance laws, child labor laws, and sections 66 and 67 and 191 to 194, inclusive, shall apply to children of the unorganized territory of the state the same as to the children of cities, towns, and plantations with such changes thereof relative to officials, courts, disposal of fines, etc., as may be made by the commissioner and approved by a justice of the supreme judicial court, to make these laws applicable to the unorganized territory while retaining the general principles of the laws; and it shall be the duty of the said commissioner to have these laws, with the changes as made, printed in sufficient quantity for use in the unorganized territory and to supply them to any person making application therefor.

State Examination of Teachers

Sec. 156. Certificates issued by commissioner; knowledge of physiology and hygiene requisite; certificates may be granted without examination; commissioner to prescribe regulations; revocation of certificate. R. S. c. 19, § 155. 1931, c. 38. Certificates of qualification signed by the commissioner shall be granted to all candidates who pass satisfactory examinations in such branches as are required or permitted by law to be taught in the public schools and who in other respects fulfil the proper requirements; provided, however, that no person shall be eligible for a certificate unless he is at least 17 years of age and has completed not less than a standard secondary school course, or unless he shall present satisfactory evidence of such educational attainment otherwise secured as may be adjudged by the commissioner to be the equivalent of said standard 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; provided, however, that no certificate of secondary grade shall be granted to any person who has not completed the equivalent of 2 years

of a college or normal school course. No certificate shall be granted to any person to teach in the public schools of the state unless they furnish evidence of good moral character and meet such requirements as to preliminary education and training as may be prescribed by the commissioner; nor shall a certificate be granted to any person to teach in the elementary schools who cannot present satisfactory evidence of such training 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 2 years' course for graduates of high schools or academies, and to teachers of 2 years' service and satisfactory fitness, on the presentation of such evidence of fitness and under such special conditions as the commissioner may prescribe. Provided further, that certificates may, under the rules prescribed by the commissioner, 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. Nothing in this section relative to revocation of teachers' certificates shall be retroactive. Any teacher whose certificate has been revoked shall be granted a hearing on request before a committee; one member to be selected by the commissioner of education, the second by the teacher involved, and the third by the other 2 members. The hearings before this committee may be public at their discretion and their decision shall be final.

Sec. 157. List of persons certificated to be kept. R. S. c. 19, § 156. A list of persons certificated under the provisions of the preceding section shall be kept in the office of the commissioner and copies of the same with such information as may be desired shall be sent to school committees and superintendents upon their request.

Sec. 158. Persons not holding state certificate not to be employed. R. S. c. 19, § 157. No persons shall be employed to teach in any school under the supervision and control of any school board of any city, town, or plantation of this state, who does not hold a state certificate as provided for in this chapter. Provided further, that all state certificates granted before July 12, 1913 shall continue in force in accordance with the terms stated therein. The commissioner is authorized to formulate all rules and regulations necessary for the carrying out of the provisions of this section and of the 2 preceding sections.

Sec. 159. Penalty for teaching without certificate. R. S. c. 19, § 158. Whoever teaches a public school without first obtaining a state teachers' certificate, as provided in this chapter, is barred from receiving pay therefor, and shall forfeit to the town in which he so taught such amounts as he shall have received for wages for such illegal teaching.

Registration of Teachers

Sec. 160. Teachers may register with commissioner; lists to be furnished upon request; fee. R. S. c. 19, § 160. Any person holding a state teachers' certificate, or eligible to receive such may, upon the payment of \$3 and upon application to the commissioner in such manner as may be prescribed by him, register as a candidate for employment as a teacher in the public schools within the state. It shall be the duty of the said commissioner to furnish to superintending school committees or superintendents of schools, upon request, informa-

tion relative to persons registered as hereinbefore provided, and to furnish persons thus registered information relative to vacancies in positions in public schools within the state; but neither the said commissioner nor any person employed under his direction shall be held responsible for, nor be understood to vouch for, the fitness or success of any teacher who may secure a position in a public school through the operation of this section, nor shall the acceptance of this enrolment and the payment of the required fee be construed as a guarantee for securing employment as a teacher. The payment of the above fee shall entitle the person registering to the benefit of such registration for a period of 3 years.

Sec. 161. Commissioner may employ clerical assistance; fees to be paid into state treasury. R. S. c. 19, § 161. 1931, c. 216, Art. I, § 5; Art. II, § 15. 1937, c. 221. 1943, c. 320. The commissioner shall make the necessary rules and regulations for carrying out the provisions of section 160 and for obtaining whatever information is required as to the experience, qualifications, and character of persons seeking employment as teachers, and a teacher shall be entitled to consideration for employment only so long as he complies with such rules and regulations. He shall employ such clerical and other assistants as may be required, subject to the provisions of the personnel law, and they shall perform their duties under the general supervision of said commissioner. He shall collect and receipt for all registration fees, and report and pay said fees to the treasurer of state forthwith.

Sec. 162. Appropriation; registration fees to be used for administration. R. S. c. 19, § 162. For the necessary expenses of carrying out the provisions of the 2 preceding sections there may be annually expended the amount of the fees received under the provisions of section 160, together with such part as may be required of the sum of \$500, which sum the treasurer of state shall deduct for said purpose from the state school fund.

Industrial Education

Sec. 163. Industrial education encouraged. R. S. c. 19, § 163. The commissioner 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.

See c. 23, § 3, re industrial education in state institutions.

Sec. 164. Courses in manual training, domestic science, and agriculture in normal schools. R. S. c. 19, § 164. 1931, c. 206, § 1; c. 216, Art. V, § 3. The state normal schools board 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 2 special courses thus offered, the said board is authorized to expend annually such sums

as may be approved by the commissioner, which shall be additional to other sums appropriated for the support of said normal schools and which the treasurer of state shall deduct from the state school fund.

Sec. 165. State aid for maintaining industrial arts and home economics in towns or academies. R. S. c. 19, §§ 165, 166. 1931, c. 206, §§ 2, 3. 1941 c. 175. Whenever the superintendent of schools of any town or the trustees of any incorporated academy shall certify under oath to the commissioner according to a form prescribed by him that instruction in industrial arts or home economics has been provided pupils of elementary schools, high schools, or academies for the year preceding, then, upon approval of such certificate by the commissioner, state aid shall be paid to an amount not to exceed $\frac{1}{2}$ the total salary paid each teacher; provided that the amount so paid by the state for the employment of any one instructor in a town or academy shall not exceed \$600 in 1 year; and provided further, that in case two or more teachers are employed in any town or an academy, the amount paid by the state for the employment of each instructor shall not exceed \$500 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 public schools and of the minimum requirement raised by the town as provided by section 23; and provided further, that the course of study, equipment, and qualifications of instructors shall have been approved by the commissioner.

Sec. 166. State aid to towns maintaining evening schools. R. S. c. 19, § 167. 1935, c. 11, § 2. Whenever the superintending school committee of any town shall have maintained during the school year an evening school as provided by section 32, said town shall be reimbursed by the state a sum equal to $\frac{2}{3}$ the amount paid for instruction in such evening school. Such schools shall meet the approval of the commissioner in regard to the qualifications of instructors, length of term, class attendance, and subjects offered.

Sec. 167. State aid to towns maintaining general industrial schools; duty of school committee and superintendent of schools. R. S. c. 19, § 168. 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 15 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 elementary and secondary schools, but the support of such schools shall be derived from funds raised in addition to any sums appropriated for the support of elementary and secondary 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 36 weeks during the school year, and employing at least 1 teacher whose work is devoted exclusively to such instruction, and having an average attendance of at least 20 pupils, the governor and council shall direct the treasurer of state to pay to the treasurer of such town a sum equal to $\frac{2}{3}$ the total amount spent for instruction in said school, provided that not more than \$2,000 shall be paid by the state to any one town in any year.

Sec. 168. Reports to the commissioner. R. S. c. 19, § 169. All reports required under the preceding 5 sections shall be filed annually with the com-

missioner on or before the 1st day of July, and state aid shall be payable during the month of December next succeeding.

Vocational Education

See c. 22, § 22, re vocational rehabilitation.

Sec. 169. State to cooperate with federal government in matter of vocational education. R. S. c. 19, § 170. The state, having accepted the provisions of the act of congress entitled "An Act to Provide for the Promotion of Vocational Education; to Provide for Cooperation with the States in the Promotion of such Education in Agriculture and the Trades and Industries; to Provide for Cooperation with the States in the Preparation of Teachers of Vocational Subjects; and to Appropriate Money and Regulate its Expenditure," approved February 23, 1917, will observe and comply with all the provisions of said act.

See c. 23, § 3, re vocational education in state institutions.

Sec. 170. The treasurer of state designated custodian. P. & S. L. 1939, c. 121. The treasurer of state is designated as custodian of all moneys received by the state from the federal government for vocational training, and the said treasurer of state shall receive and provide for the proper custody of such moneys and disburse such moneys on requisition of the vocational education board.

Sec. 171. Vocational education board; commissioner chairman. R. S. c. 19, § 171. 1931, c. 216, Art. V, § 5. 1943, c. 185. The vocational education board heretofore created shall have all necessary power to cooperate with the federal board of vocational education in the administration of the provisions of the act of congress referred to in section 169. Said board shall consist of 5 members; the commissioner of education who shall serve as chairman, the commissioner of health and welfare, the commissioner of labor, the commissioner of agriculture, and the head of the department of home economics of the University of Maine. The members of said board shall serve without compensation.

Sec. 172. Treasurer of state custodian of appropriations. R. S. c. 19, § 172. The treasurer of state is designated as custodian for all appropriations received by the state under the provisions of the act of congress referred to in section 169, and he shall receive and provide for the proper custody and distribution of all money paid to the state from said appropriations.

Sec. 173. Authorizing acceptance act of congress relative to vocational rehabilitation. R. S. c. 19, § 173. The state, having accepted the provisions and benefits of the act of congress entitled "An Act to Provide for the Promotion of Vocational Rehabilitation of Persons Injured in Industry or Otherwise" approved June 2, 1920, will observe and comply with the provisions of said act.

Sec. 174. Treasurer of state designated as custodian of funds. R. S. c. 19, § 174. 1931, c. 216, Art. V, § 5. The treasurer of state is designated and appointed custodian of all moneys received by the state from appropriations made by the congress of the United States for the vocational rehabilitation of persons disabled in industry or otherwise, and is authorized to receive and provide for the proper custody of the same and to make disbursements therefrom upon the order of the vocational education board.

Sec. 175. Vocational education board to administer provisions of these sections. R. S. c. 19, § 175. 1931, c. 216, Art. V, § 5. The vocational education board is authorized to cooperate with the federal board for vocational education

in the administration of the provisions of sections 173 to 177; to prescribe and provide such courses of instruction and training as may be necessary for the vocational rehabilitation of persons injured in industry or otherwise, and to provide for the instruction and supervision of such training.

Sec. 176. Vocational education board to cooperate with industrial accident commission. R. S. c. 19, § 176. 1931, c. 216, Art. V, § 5. The vocational education board is authorized to cooperate with the industrial accident commission to formulate a plan of cooperation in accordance with the provisions of sections 173 to 177 and the act of congress referred to in section 173.

Sec. 177. Authorizing acceptance of gifts; money to be deposited with treasurer of state; special fund created; appropriation for vocational education applicable. R. S. c. 19, § 177. 1931, c. 216, Art. V, § 5. The vocational education board is authorized and empowered to receive such gifts and donations, either from public or private sources as may be offered unconditionally, or under such conditions related to the vocational rehabilitation of persons injured in industry or otherwise as in their judgment are proper and consistent with the provisions of sections 173 to 177. All moneys received as gifts or donations shall be deposited in the state treasury and shall constitute a permanent fund to be called the special fund for the vocational rehabilitation of disabled persons, to be used by said board to defray the expenses of vocational rehabilitation in special cases, including the payment of necessary expenses of persons undergoing training.

Sec. 178. Part-time or part-time continuation schools for persons over school age; term defined. R. S. c. 19, § 178. 1931, c. 216, Art. V, § 5. In order to improve the industrial and civic efficiency of persons between the ages of 14 and 18 now engaged in industrial occupations and who have not reached the proficiency in reading, writing, arithmetic, language, geography, history, and citizenship required for the completion of the elementary school course as recognized in the schools of the state, the superintending school committee and boards of education of the towns and cities of the state are authorized to establish part-time or part-time continuation schools and classes for the benefit of such persons. For the purpose of this section and the following section a part-time continuation school or class shall be understood to mean such schools or classes as are conducted during the regular working hours of the persons employed. Such schools shall cover 144 hours per year and meet the standards set up by the vocational education board.

Sec. 179. Reimbursement from state and federal funds. R. S. c. 19, § 179. 1931, c. 216, Art. V, § 5. Whenever the superintendent of schools of any town or city, on or before the 1st day of July, shall report to the commissioner that part-time or part-time continuation schools and classes have been maintained in accordance with the specified standards, and when such schools and classes shall be approved by the vocational education board, the commissioner shall recommend to the governor and council annually in December the payment of reimbursement from federal funds designated for part-time schools and from state funds provided for industrial education to the extent of $\frac{2}{3}$ the cost of instruction.

Sec. 180. Not to be construed as affecting provision of c. 25, relating to child labor. R. S. c. 19, § 180. The 2 preceding sections shall not be construed to interfere in any manner with the provisions of chapter 25, relating to child labor.

Physical Education

Sec. 181. Personal hygiene, community sanitation, physical education to be included in public school courses; commissioner to prescribe rules and require reports from local superintendents. R. S. c. 19, § 181. In order more thoroughly to prepare the youth of the state for the duties and obligations of citizenship and to provide for their future well-being and comfort, it shall be the duty of the superintending school committees of the several towns of the state to make provision for instruction to be given to pupils in all public schools in personal hygiene, community sanitation, and physical education, including recreational exercises in accordance with a course of study and plans of lessons and instruction prepared by the commissioner, who shall prescribe such rules and regulations as may be necessary to carry out in successful manner said program of physical education, and he may require such reports from superintendents as he may deem necessary.

Sec. 182. Towns may employ directors of physical education; qualifications and duties. R. S. c. 19, § 182. Towns may employ supervisors and directors of physical education who shall meet such standards of preparation and certification as the commissioner may determine. It shall be the duty of the superintendent of schools in which directors or supervisors of physical education are employed to report to the commissioner, on blank forms prepared by him, the number of pupils receiving instruction, the number of directors and supervisors employed, the amount paid such directors or supervisors, and such other information as may be required.

Sec. 183. Reimbursement to towns for expenses incurred in employment of directors. R. S. c. 19, § 183. 1941, c. 157. Whenever the superintendent of schools of any town shall certify under oath to the commissioner, according to a form prescribed by him, that a director or supervisor of physical education has been employed for the school year preceding, then, upon approval of such certificate by the commissioner, reimbursement from state or federal funds shall be paid to the amount of $\frac{1}{2}$ the salary paid, not to exceed \$600 for each director or supervisor in any 1 year, and not to exceed \$1,200 to any 1 town; provided 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 public schools and of the minimum requirement raised by the town as prescribed by section 23. Two or more towns adjacent to each other, or the several towns of a superintendence union, may cooperate in the employment of directors or supervisors of physical education and may apportion the cost of the same among the several towns of the group according to the amount of time given to each.

Sec. 184. Filing of reports. R. S. c. 19, § 184. All reports required under the provisions of the 3 preceding sections shall be filed annually with the commissioner on or before the 1st day of July and state aid shall be payable during the month of December next succeeding.

Normal Schools

See c. 16, § 3, re audit; 1931, c. 216, Art. I, § 1.

Sec. 185. Five normal schools. R. S. c. 19, § 185. 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 commissioner. Such register and blanks shall be returned to said commissioner by the 1st day of each December, and the information so furnished shall appear in his annual report, for the use of the legislature.

See 1943, c. 147, re operation of normal schools during the war.

Sec. 186. Course of study. R. S. c. 19, § 186. 1931, c. 216, Art. V, § 3. The course of study at the state normal schools shall occupy 2 years with suitable vacations, and, with the terms of admission, shall be arranged by the commissioner. The state normal schools board may arrange for a course of study, occupying 3 or 4 years, for such students as elect to pursue the same, and it may give such credit as it may deem advisable for successful teaching experience.

Sec. 187. Diplomas to be issued. R. S. c. 19, § 187. 1931, c. 216, Art. V, § 3. Any student, who completes the course of study prescribed at a state normal school and otherwise complies with the regulations of the school, shall receive a diploma certifying the same, provided further, that the state normal schools board may confer appropriate educational degrees based upon 4 years of academic and professional instruction with such equipment and faculties as will safeguard the integrity of the degrees conferred.

Sec. 188. Applicants for admission, qualifications; tuition. R. S. c. 19, § 188. 1931, c. 216, Art. V, § 3. 1933, c. 72. 1935, c. 8. Applicants for admission to state normal schools shall signify their intention to become teachers. The state normal schools board shall charge \$100 for tuition to non-residents of the state, and \$50 for tuition to residents of the state. It may permit not exceeding 10% of the enrolment of residents to pay their tuition charges at such future dates as it may determine.

Sec. 189. State normal schools board, appointment, powers, and duties. R. S. c. 19, § 189. 1931, c. 216, Art. V, § 3. The state normal schools shall be under the direction of a board, to be known as the "state normal schools board," to be composed of 5 members, 4 of whom shall be appointed by the governor

with the advice and consent of the council, for terms of 4 years, and not more than 2 of the 4 appointed members shall be of the same political party. The commissioner shall be, by virtue of his office, a member of the said board. 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 adopts; employ teachers and lecturers for the same; and, annually, on the 1st 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. The clerical and staff services for this board shall be performed by the employees of the department of education under the direction of the commissioner.

105 Me. 220.

Sec. 190. Madawaska Training School. R. S. c. 19, § 190. 1931, c. 216, Art. V, § 3. The state normal schools board shall maintain, for not less than 8 months annually, the Madawaska Training School at Fort Kent for the purpose of training persons to teach in the public 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.

Penal Provisions Affecting Schools

Sec. 191. Forfeitures, how recovered and appropriated; penalty if town neglects to expend money. R. S. c. 19, § 196. Forfeitures under the provisions of 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 cost of prosecution shall be paid into the county treasury; any town neglecting for 1 year so to expend such money forfeits an equal sum to any person suing therefor in an action of debt.

Sec. 192. Penalty for disturbing schools. R. S. c. 19, § 197. 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 \$2, nor more than \$20, to be recovered as aforesaid, or on complaint.

27 Me. 278; 35 Me. 197.

Sec. 193. Parents or guardians liable in double damages for injuries. R. S. c. 19, § 198. 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 an attendance officer thereof may recover of his parent or guardian in an action of debt double the damage occasioned thereby.

Sec. 194. Penalty for defacing schoolhouses, outbuildings. R. S. c. 19, § 199. 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 punished by a fine of not more than \$10, on complaint made within 1 year.

See c. 121, § 24, re making or circulating obscene books and pictures; c. 127, § 24, re practice of vivisection.

State School Funds

Sec. 195. Permanent school fund. R. S. c. 19, § 201. 1933, c. 97, § 1. 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.

See §§ 26, 160, 171, 207, 219, 229; c. 5, § 64, re poll-taxes collected from electors in unorganized territory; c. 32, §§ 38, 39, re organized and unorganized townships funds; c. 53, §§ 58, 59, re school funds held in trust by town or corporation; 73 Me. 126; 109 Me. 172.

Sec. 196. State school fund, for maintenance and support of elementary and secondary schools, how created. R. S. c. 19, § 202. 1933, c. 97, § 2. A tax of $3\frac{1}{3}$ mills on a dollar shall annually be assessed upon all the property in the state according to the value thereof and said tax shall be assessed and collected in the same manner as other state taxes and be paid into the state treasury. To the fund resulting from said tax the treasurer of state annually shall add the income from the permanent school fund, as provided by law, and a sum equal to $\frac{1}{2}$ the amount received by the state from the tax on the franchises of savings banks and on the deposits of trust companies. The sum total of the amount so assessed and collected shall be designated the state school fund and after the deduction therefrom of all funds and appropriations which the treasurer of state is authorized by law to deduct, the balance shall be distributed among the several cities, towns, and plantations of the state in the manner provided for by section 99 and sections 196 to 209, inclusive, to be expended by said cities, towns, and plantations for the maintenance and support of elementary and secondary schools established and controlled by them.

See § 38, re reimbursement to towns and plantations; c. 14, § 143, re tax on savings banks; c. 14, § 153, re tax on trust companies.

Sec. 197. Terms defined. R. S. c. 19, § 203. For the purposes of section 99 and sections 196 to 209, inclusive, the following terms are defined:

The term "elementary school" shall be understood to include that part of the school organization of a town in which is offered a program of studies preceding that offered by a class A high school as defined by section 89.

The term "secondary school" shall be understood to include that part of the school organization of a town offering a program of studies as included in class A high schools or any part thereof as defined by section 89 and as arranged for by the establishment and maintenance of a free high school, a union high school, or by contract with the superintending school committee of an adjoining town or with the trustees of an academy within the town or in an adjoining town as provided for by section 96.

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

tained for any part of the school year shall be reckoned in such ratio to a complete position as the number of weeks which the position was maintained is to the number of weeks schools of the town were maintained.

The term "school census" shall be understood to mean the number of persons between the ages of 5 and 21 years as provided for by section 62.

The term "aggregate attendance" shall be understood to include the total number of days of attendance for any one school year of each regularly enrolled pupil resident of the town in elementary and secondary schools; provided that the attendance of each pupil present on the day preceding shall be counted for each school holiday within any school term, for each day of the school year when there is no session of school because of absence of the teacher in attendance on teachers' meetings, as provided by law and for not more than 1 day in each term when there is no session of school because of the absence of the teacher in visiting other schools when so authorized by the superintending school committee.

Sec. 198. Controller to report to commissioner July 1st; commissioner to make apportionment and report to governor and council amounts to be paid towns in December. R. S. c. 19, §204. 1931, c. 216. On the 1st day of July, annually, the controller shall report to the commissioner the amount of the state school fund and all deductions therefrom provided for by law, and the commissioner shall apportion said state school fund to the several cities, towns, and plantations in the manner provided for by law and shall transmit a report of said apportionment to the governor and council. Upon approval of said report by the governor and council, there shall be paid to the treasurers of said towns in December annually the amounts so apportioned.

Sec. 199. Deductions from state school fund. R. S. c. 19, § 205. 1931, c. 14; c. 206, § 4. In addition to the other funds and appropriations provided for by law to be deducted from the state school fund, there shall annually be deducted the sum of \$125,000, the same to be denominated the school equalization fund and to be apportioned and distributed in the manner and for the purposes provided for by section 204. From the state school fund there shall also be apportioned such sums as may be required for payment to towns for reimbursement of tuition in secondary schools as provided for by section 99, such amount as may be required for physical education as provided in sections 181 to 183; an amount not to exceed \$150,000 to cover the obligation of the state for industrial education under sections 163 to 167, inclusive; such amounts as may be required to cover the obligations of the state for teachers' pensions under sections 212 to 218, inclusive; and such sums as may be required for payment to towns on account of teaching positions maintained as provided for by section 201, and such sums as may be required for apportionment to towns on the basis of the school census as provided for by section 202, and the balance of said state school fund shall be apportioned and distributed to towns on the basis of aggregate attendance as provided for by section 203.

Sec. 200. Additional appropriation to school equalization fund. P. & S. L., 1937, c. 105, Title III. The sum of \$200,000 annually is appropriated to be added to and become a part of the school equalization fund created by section 199, said sum together with the sum of \$125,000 appropriated to said funds by said section 199 to be apportioned and distributed in the manner and for the purposes provided for by section 204.

Sec. 201. Apportionment to towns for teaching positions. R. S. c. 19, § 207. 1941, c. 151, § 1. 1943, c. 109, § 1. On the basis of information furnished to the

commissioner by the return of educational statistics for the year ending July 1st, annually, as provided for by section 64, said commissioner shall apportion to each town the sum of \$190 for each teaching position, or a corresponding fractional part of \$190 for each fractional part of a teaching position maintained in the elementary and secondary schools of such town, provided, however, that no town failing to maintain the minimum program prescribed in section 204 shall receive over \$100 per teaching position. The distribution of state school funds to towns on account of teaching positions in December, 1943 shall be based upon the minimum program as established by section 204. Whenever any school is closed or suspended as provided for by section 8 and pupils attending such school have been conveyed to another school under such conditions of conveyance as may be approved by the commissioner, there may be apportioned to the town in which such school was maintained such amount as, added to the amount apportioned under the provisions of this section on account of teaching positions, will give to said town, on account of said school, the same amount as though this position had been maintained for the entire year; provided, however, that so long as said school remains closed and satisfactory conveyance is maintained, there may be apportioned the same amount as for the maintenance of a teaching position, provided, however, that the amount so apportioned shall not exceed $\frac{1}{2}$ the cost of such conveyance, and such apportionment shall not in any case exceed \$100 per each teaching position maintained during the year previous to the closing or suspension of said school.

Sec. 202. Apportionment on basis of school census. R. S. c. 19, § 208. 1941, c. 285. On the basis of the school census of the towns on April 1st, annually, as returned under the provisions of section 63, the commissioner shall apportion to each town the amount of \$3 for each person returned in the school census for said town. Provided, however, that when in any year the amount remaining in the state school fund after the apportionment on account of teaching positions provided in section 201 is insufficient to pay to the several towns the amount of \$3 for each child of census age, such amount remaining shall be proportionately allocated to the several towns in the state.

Sec. 203. Apportionment on basis of aggregate attendance. R. S. c. 19, § 209. On the basis of information furnished to the commissioner by the return of educational statistics for the year ending July 1st, annually, as provided for by section 64, the commissioner shall apportion to the several towns the amount available for this purpose on the basis of the aggregate attendance of pupils in elementary and secondary schools maintained by those towns.

Sec. 204. School equalization fund, how apportioned. R. S. c. 19, § 210. 1935, c. 33. 1939, c. 47. 1941, c. 151, § 2; c. 168, § 2; c. 284. 1943, c. 109, § 2. The school equalization fund shall be apportioned by the commissioner to the towns qualified to receive aid from said fund as follows:

I. (R. S. c. 19, § 210-IV) (1941, c. 168, § 2; c. 284) Whenever any town through its superintendent or superintending school committee shall submit to the commissioner a definite plan for consolidation of schools, conveyance of pupils, housing of teachers, standardization of schools, or other projects especially worthy of encouragement, said commissioner shall investigate such plan and upon approval of the same may recommend to the governor and council the payment to such town of an amount, not exceeding \$500 in any 1 year, as an encouragement to such plan or project, provided, however, that the

total amount available for aid under this subsection shall not exceed \$10,000 of the equalization fund.

II. (R. S. c. 19, § 210-V) (1935, c. 33) (1939, c. 47) (1941, c. 151, § 2; c. 168, § 2; c. 284) (1943, c. 109, § 2) That part of the school equalization fund not apportioned as provided for by the preceding subsection shall be apportioned to towns wherein the rate of taxation in excess of the average of rates for the several towns of the state fails to produce a school revenue sufficient to provide adequate funds together with the apportionment from the state school fund and the income from any permanent school fund to maintain a minimum educational program, i. e., $\frac{1}{2}$ the cost of conveyance of elementary and secondary school pupils at public expense, \$940 per elementary unit, \$1,405 per secondary unit, at least \$720 of which amounts shall be expended for teachers' wages, and the amount paid for secondary tuition; provided that the rate of taxation hereinbefore named shall be reckoned on the basis of the amount or amounts actually raised by taxation by the town for the support of elementary and secondary schools for the purposes named in section 206, exclusive of any amounts received from the state. The commissioner shall cause a special investigation to be made of the educational facilities of such towns and, whenever it appears to the commissioner that any town should receive special aid or encouragement for the purpose of raising the standard of qualifications of teachers, or of increasing the length of the school year, or otherwise adding to the efficiency of the schools, he shall issue to the governor and council a recommendation relative thereto, and the governor and council may draw a warrant in favor of the treasurer of said town from the equalization fund for an amount to cover the difference between the proceeds of a tax of 13 mills on the valuation of the town as fixed by the board of equalization together with the apportionment from the state school fund, and the cost of a minimum educational program as hereinbefore defined; provided, however, that no town may receive in any year an amount in excess of the proceeds of a levy of 13 mills on the valuation of the town unless after the town has levied a tax of over 20 mills for the support of schools, sufficient funds are not available to maintain the minimum program, in which case the balance may be made up from the equalization fund. The amount apportioned shall be expended under the direction of the superintending school committee of said town in accordance with the recommendation as made by the commissioner. Whenever the amount of the equalization fund as now provided by law is less than the sum of the amounts recommended to provide a minimum program in the towns of the state the necessary balance shall be provided from the general funds of the state.

Sec. 205. Union schools; how apportionment shall be paid. R. S. c. 19, § 211. Amounts apportioned from the state school funds on account of union elementary schools shall be paid to the town in which said school is located and the amounts to be contributed by each town for the maintenance of such school shall be determined by the superintending school committees of the said towns. Amounts apportioned on account of union high schools shall be paid to the towns maintaining said schools in proportion to the aggregate attendance of pupils resident of each of said towns.

Sec. 206. How state school funds may be expended by towns. R. S. c. 19, § 212. Amounts received by the towns from the state school fund may be expended by said towns, in conjunction with such funds as the towns shall raise and appropriate, for the following purposes in both elementary and secondary schools: the payment of teachers' wages and board, fuel, janitors' services, con-

veyance, tuition, and board of pupils, text-books, reference books, and school supplies for desk or laboratory use. The unexpended balance of all moneys raised by towns or received from the state for the above purposes shall be credited to the school resources for the year following that in which said unexpended balance accrued.

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Sec. 207. Procedure in case returns are not filed by town. R. S. c. 19, § 214. Whenever the information required for the purposes of section 99, sections 196 to 209, inclusive, is not available, because of the failure of the town, through its officers, to make the returns required by law, or because of the loss or destruction of the school records of a town, the commissioner may use as a basis for apportionment numbers on which the apportionment for said town was made for the preceding year less 10%. But no apportionment as provided by said sections shall be paid to any town by the treasurer of state until returns required by law have been filed with the said commissioner; nor so long as any state tax assessed upon such town remains unpaid.

Sec. 208. How term "state school fund" shall be construed as applied to this chapter. R. S. c. 19, § 215. Whenever in this chapter authority is given to deduct appropriations or funds from state school funds or from the school mill fund, it shall be understood that such deductions shall be made from the state school fund as described in section 196.

Sec. 209. Disposition of unexpended balances of school fund. R. S. c. 19, § 216. 1943, c. 104. All unexpended balances of the state school fund or of any funds or appropriations deducted therefrom shall, at the close of the year for which said fund or appropriation is available, be carried forward as a part of the state school fund of continuing appropriations for the ensuing year. Balances at the close of the fiscal year deducted from the state school fund and set apart for certain activities may be transferred from one division to another by consent of the governor and council; provided, however, that balances in any fund made up jointly from funds deducted from the state school fund and appropriations from the general fund of the state shall be disposed of in accordance with the foregoing part of this section.

Sec. 210. Expenses of department to be deducted from school fund. R. S. c. 19, § 217. All expenditures of the department, including salaries and general office expenses, shall be taken from the state school fund.

Sec. 211. All specific appropriations to be deducted from school fund. R. S. c. 19, § 218. Before distribution to the cities and towns, there shall be deducted from the state school fund all sums appropriated for specific purposes in accordance with the provisions of this chapter.

Teachers' Pensions

Sec. 212. Teachers who may be entitled to an annual pension of \$500. R. S. c. 19, § 219. Except as provided in section 241, any person of either sex who, on the 30th day of September, 1913, or thereafter, shall have reached the age of 60 years and who for 35 years shall have been engaged in teaching as his principal occupation, and who shall have been employed as a teacher or teacher and supervisor in the public schools, or in such other schools within this state as are supported wholly or at least 3/5 by state or town appropriation and are under public management and control, 20 years of which employment, including the 15 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 30th day of September, 1913, shall, on his formal application, receive from the state for the remainder of his life an annual pension of \$500; provided, however, that after the 30th day of September, 1913, 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 commissioner.

Sec. 213. Teachers who may receive an annual pension of \$375. R. S. c. 19, § 220. Except as provided in section 241, any person of either sex who, on the 30th day of September, 1913, or thereafter, shall have reached the age of 60 years and who for 30 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 \$375.

Sec. 214. Teachers who may receive an annual pension of \$275. R. S. c. 19, § 221. Except as provided in section 241, any person of either sex who, on the 30th day of September, 1913, or thereafter, shall have reached the age of 60 years and who for 25 years shall have been engaged in teaching as his principal occupation, and who shall have in all other respects met the requirements of section 212 shall, on his formal application, receive from the state for the remainder of his life an annual pension of \$275.

Sec. 215. Teachers who retired prior to September, 1913. R. S. c. 19, § 222. Any person who otherwise meets the requirements of the 3 preceding sections, but shall have retired or shall have been retired prior to the school year next preceding the 30th day of September, 1913, shall be entitled to receive a pension under the provisions of this section and the 3 preceding sections, and the amount of said pension shall be determined by the length of service as provided in the 3 preceding sections.

Sec. 216. Commissioner to certify persons entitled to pensions; suspension of payment when person resumes teaching. R. S. c. 19, § 223. On the last day of each of the months of March, June, September, and December of each year, the commissioner 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. 217. Pensions are exempt from claims of creditors. R. S. c. 19, § 224. All pensions granted or payable under the provisions of the 5 preceding sections shall be 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. 218. Commissioner to formulate rules. R. S. c. 19, § 225. 1935, c. 165. The commissioner shall formulate rules and regulations for carrying into effect the provisions of the 6 preceding sections; provided that in case of retirement, voluntary or compulsory, on the part of a teacher, who has reached the age of 55, is needy, dependent, has no other means of support, and has taught the minimum number of years as required by law, the commissioner is authorized

after due investigation to issue to such teacher a pension, the amount of which shall be $\frac{1}{2}$ that to which such teacher would be entitled as determined by length of service set forth in this and the 6 preceding sections; provided further, that in case of total disability on the part of a teacher, who has reached the age of 50, and has no other means of support, the commissioner is authorized after due investigation to issue to such teacher a pension, the amount of which shall be determined by the length of service as set forth in this and the preceding 6 sections, said teacher having complied with the conditions of the law relative to length of experience and to service within the state.

Sec. 219. Unexpended fund added to school fund. R. S. c. 19, § 227. All of said school pension fund not distributed or expended in any fiscal year shall, on the 1st day of July next following, be added to the permanent school fund.

Sec. 220. Definition of teacher. 1943, c. 156. The word "teacher" as used in sections 212 to 219, inclusive, shall have the following meaning: any teacher, principal, supervisor, school nurse, school secretary, or superintendent employed in any public school or in such other schools within this state as are supported wholly or at least $\frac{3}{5}$ by state or town appropriation and are under public management and control.

Teachers' Retirement System

Sec. 221. Definitions. R. S. c. 19, § 228. 1941, cc. 225, 229. 1943, c. 59. The following words and phrases as used in sections 221 to 241, inclusive, shall have the following meanings:

I. (1941, c. 225) "Teacher" shall mean any teacher, principal, supervisor, school nurse, school secretary, or superintendent employed in any day school within the state; also a teacher or principal of a normal school, the commissioner or his assistants, and teachers who teach in any school which is supported at least $\frac{3}{5}$ by state or town appropriations.

II. "Public school" shall mean any public school conducted within the state under the authority and supervision of a duly elected board of education or superintending school committee.

III. "Year", referring to the term of school service of a teacher, shall mean the same as "school year" defined in the general laws of the state at the time when the school service in question was rendered, provided, however, that the retirement board may in special cases determine what school service shall constitute the equivalent of a specified period of service under the provisions of sections 221 to 241.

IV. (1941, c. 229) (1943, c. 59) "Interest," unless herein otherwise provided, shall mean compound interest at such rate as may be determined by the retirement board.

V. Wherever the word "he" appears it shall be taken to apply to females as well as males.

Sec. 222. Organization; membership, how acquired; fees, how collected and forwarded. R. S. c. 19, § 229. 1931, c. 8. 1933, c. 102. 1939, c. 41. 1943, c. 198. An association to be known as the Maine teachers' retirement association, hereinafter called the "retirement association", may be organized by and among the teachers in the public schools of the state. Membership in said association may be acquired under the following conditions:

I. All teachers who shall serve in the public schools or in any academy which has contract relations with a town under the provisions of section 96 and which

receives at least $\frac{3}{5}$ of its support from the state, or who teach in a normal school which is under the control of the state, or members of the department of education, on or after July 1, 1924, may become members of the association, upon application to and approval by a majority of the retirement board and under such rules and regulations as it may prescribe.

II. (1931, c. 8) (1933, c. 102) (1939, c. 41) Each and every teacher who began teaching after the 1st day of July, 1924, and therefore is ineligible to the provisions of sections 212 to 218, inclusive, and who shall become 25 years of age on or before August 1 of any year, shall be required to contribute to his or her retirement foundation. It shall be the duty of each employer to deduct from each and every pay-roll period such amounts as are required to meet the provisions herein provided. The amount of said deductions shall be certified by the superintendent of schools and approved by the governing board to the treasurer of the town and also to the commissioner. The treasurer of the town shall forward in not exceeding 2 payments to the treasurer of state on or before June 30th following, the total of the amounts so deducted.

III. (1943, c. 198) Any member of the retirement association who has been a member for more than 1 year and who is actively engaged in teaching, upon entering such classes of military or naval services of the United States as may be approved by resolution of the teachers' retirement board, shall be continued as a member during such military or naval service if he does not withdraw his contributions, and shall have all the benefits provided by sections 221 to 241, inclusive. During such service, in addition to its own share the state shall contribute such amounts as the member would have been required to contribute if he had been teaching within this state during his service in the said military or naval forces, in the same capacity as that in which he was teaching at the time he joined the service. If the aforesaid member shall withdraw from, or become separated from the association, he may not withdraw any of the contributions made by the state under this subsection. The teachers' retirement board may in its discretion, by a majority vote of the board, make the provisions of this subsection inapplicable in individual cases, at such time as may be deemed appropriate.

See § 241.

Sec. 223. When organization may be effected; form of organization. R. S. c. 19, § 230. The teachers who desire to become members of the retirement association shall adopt such form of organization for said association as shall be prescribed by the commissioner, treasurer of state, and attorney-general; and such organization shall be maintained for the purpose herein contemplated, with such modifications thereof as may be adopted from time to time by the members of the association with the approval of the retirement board. No modifications of these sections that will affect the interests of existing members shall be made without their consent.

Sec. 224. Administration; personnel of retirement board; vacancies; retirement board to serve without pay. R. S. c. 19, § 231. The Maine teachers' retirement system, as heretofore established and hereinafter referred to as the "retirement system", is continued, and the administration of said system is vested in a board to be known as the teachers' retirement board, herein called the "retirement board", consisting of 7 members, as follows: the commissioner of education, the treasurer of state, the attorney-general, the bank commissioner, the insurance commissioner, and 2 members of the retirement association. The

members of the retirement association, upon the expiration of the term of any member, shall elect annually from among their number, in a manner to be approved by the retirement board, 1 person to serve on said board for the term of 2 years.

When a vacancy occurs in the retirement board by reason of the death, resignation, or inability to serve of one of the members chosen by the retirement association, such vacancy shall be filled for the unexpired term by the election of a new member of said association at a meeting duly called for that purpose.

The members of the retirement board shall serve without compensation, but they shall be reimbursed for all necessary expenses of travel which they may sustain through their service on the board. All claims for such reimbursement shall be subject to the approval of the controller.

Sec. 225. Duties of retirement board; expenses how paid. R. S. c. 19, § 232. 1931, c. 216, Art. V, § 4. The retirement board shall provide for the payment of retirement allowances and such other expenditures as are prescribed by sections 221 to 241, inclusive, and shall perform such other functions as are required for the execution of the provisions thereof; and to that end said board shall make by-laws and regulations not inconsistent with the provisions of said sections. The clerical and staff services for this board shall be performed by the employees of the department of education under the direction of the commissioner.

Sec. 226. Board to adopt mortality tables, establish rates of interest, and maintain system of records and accounting. R. S. c. 19, § 233. The retirement board shall adopt mortality tables for the retirement system and, except as herein otherwise provided, shall determine what rates of interest shall be established in connection with such tables or otherwise under the provision hereof. Said board may modify such mortality tables or adopt others, and may change rates of interest once established, unless otherwise provided herein, but not so as to impair the vested rights hereunder of any member of the retirement association, unless such modifications or changes shall be assented to by such member. Said board shall establish and maintain a complete system of records and accounting. All action taken by the retirement board under the provisions of this section shall be upon competent actuarial advice.

Sec. 227. Annuities, how paid; fund, how created. R. S. c. 19, § 234. 1933, c. 102. 1943, c. 191, § 1. The annuities hereinafter provided shall be paid out of a fund to be known as the "annuity fund", which shall be constituted as follows:

I. Each member of the retirement association shall pay into the annuity fund under regulations to be prescribed by the retirement board 5% of such member's salary; provided, however, that no member shall in any 1 year pay into said fund less than \$20, nor more than \$100.

II. Any member of the retirement association, who for 30 years shall have paid into said fund his regular assessments, as above provided, shall be exempt from further assessments, but such member may thereafter, if he so elects, continue to pay his assessments into said fund.

III. (1933, c. 102) (1943, c. 191, § 1) During the months of August or September of each year, the retirement board shall notify the commissioner of the exact amount paid in between July 1st and June 30th, preceding, by the members of the teachers' retirement association; and before the commissioner shall

distribute the state school fund in December, he shall deduct the actuarial equivalent of the amount necessary to equal the contributions of members as certified by the retirement board. Such amount, together with the amounts paid in by members, shall be invested as provided in section 235.

See 1943, c. 191, § 3, re appropriation.

Sec. 228. Individual accounts with members to be kept. R. S. c. 19, § 235. 1933, c. 102. The contributions made by the members of the retirement association to the annuity fund hereinbefore created, shall be credited as made to such members severally in individual accounts up to the time of retirement. Contributing members shall also be credited with the interest earned by their several contributions.

Sec. 229. When members may retire from service in public schools. R. S. c. 19, § 236. Any member of the retirement association who shall have served as a public school teacher for a period of 30 years, of which 20 years and the last 7 preceding retirement shall have been in this state, may retire from service in the public schools on or after attaining the age of 60 years without forfeiting any of the benefits of the retirement system; and at any time thereafter, if incapable of rendering satisfactory service, such member may be so retired, with the approval of the retirement board.

Sec. 230. Members who have withdrawn from service in public schools may be reinstated in the association. R. S. c. 19, § 237. Any member of the retirement association, who shall have withdrawn from service in the public schools of the state, shall, on being reemployed therein, be reinstated in the retirement association upon such terms and conditions as shall be prescribed by the retirement board.

Sec. 231. When members shall be entitled to annuity; amount of annuity; options. R. S. c. 19, § 238. 1933, c. 102. 1941, c. 226. Except as hereinafter provided, a member of the retirement association, who shall have retired from service in the public schools of the state, and who shall have complied with all the provisions of sections 221 to 241, inclusive, and with the rules and regulations of the retirement board hereby authorized, shall be entitled to receive from the state:

I. (1933, c. 102) (1941, c. 226) Such annuity as his contributions to said fund, doubled with interest thereon, will purchase on the basis of the mortality table adopted by said board at an interest rate determined by it; or,

II. (1933, c. 102) At his option, he shall be entitled to receive an annuity of less amount, as may be determined by the retirement board for annuitants electing such option, with the provision that if the annuitant dies before receiving payments equal to the sum of his assessments hereunder doubled, as hereinbefore provided, with interest, the difference between the total amount of said payments doubled and the total amount of such assessments, with interest, shall be paid as an annuity to a surviving husband, or wife, as the case may be, or to his or her legal representatives as such member may elect, subject to such reasonable rules and regulations as the retirement board may prescribe.

Sec. 232. Members becoming permanently disabled to teach, entitled to annuity; amount, how determined. R. S. c. 19, § 239. 1933, c. 102. 1941, c. 226. A member of the retirement association, who shall have been a teacher in the

public schools of the state at least 6 years, and who shall become totally and permanently disabled to teach, as determined upon examination by physicians approved by the retirement board, shall receive an annuity based upon the accumulated sum of his contributions, doubled with interest, calculated on the basis of the mortality table adopted by said board at an interest rate determined by it, with such additional annual allowance from the state as the retirement board, in the exercise of sound discretion, shall deem equitable, the same being limited by his earning capacity in other occupations, such additional allowance to be continued so long, and in such amount, as the retirement board may determine; provided, however, that in no event shall the total sum received annually by such member, under the provisions of this section, including his annuity and the additional allowance above provided for, exceed $\frac{1}{2}$ of his average annual salary throughout his entire period of service as determined by the retirement board.

In the case of persons who receive assistance under the provisions of this section, annual reexamination and reports by physicians in respect to disability shall be required and the allowance discontinued if the report shows ability to return to teaching.

If such retiring member should die before receiving in the form of an annuity the sum of all of the accumulations up to the time of his disability from his own contributions on his account doubled, the balance shall be paid to his or her legal representatives, as he or she may elect, subject to such rules and regulations as may be prescribed by the retirement board.

Sec. 233. Members withdrawing entitled amounts contributed, with interest; in case of death, amount payable to heirs; in case of death or withdrawal, contribution by state to be placed in general reserve fund. R. S. c. 19, § 240. 1933, c. 102. 1943, c. 191, § 2.

I. Any member of the retirement association withdrawing from service in the public schools of the state, by resignation or dismissal, before becoming eligible to retirement under the provisions of sections 221 to 241, inclusive, shall be entitled to receive from the annuity fund all amounts contributed thereto as assessments together with such interest as has accrued thereon.

II. In case of the death of such member under the circumstances above set forth, the several amounts to which he would be entitled, if living, shall be paid to a surviving husband or wife, or to the legal representatives of such deceased member, as may be elected, subject to the rules and regulations of the retirement board.

III. (1933, c. 102) (1943, c. 191, § 2) In the case of the death or withdrawal from service of such member, the contributions made by the state on his account, as hereinbefore provided, shall be placed in the reserve fund hereinafter established for the general purposes of the retirement system.

IV. (1943, c. 191, § 2) Contributions returned as above provided shall be paid in lump sums or in instalments as the member may elect, subject, however, to such reasonable rules and regulations as may be prescribed by the retirement board.

See 1943, c. 141, § 3, re appropriation.

Sec. 234. Annuity and rights therein exempt from taxation, bankruptcy and insolvency laws, and attachment; annuity fund not assignable. R. S. c. 19, § 241. That portion of the salary or wages of a member deducted or to be de-

ducted under the provisions of sections 221 to 241, inclusive, the right of a member to an annuity or allowance thereunder, and all his rights in the funds of the retirement system, shall be exempt from taxation, and from the operation of any laws relating to bankruptcy or insolvency, and shall not be attached or taken upon execution or other process of any court. No assignment by a member of any part of such funds to which he is or may be entitled, or of any right to or interest in such funds, shall be valid.

Sec. 235. Funds to be in custody of treasurer of state; how invested; duties of treasurer; report. R. S. c. 19, § 242. 1943, c. 197.

I. (1943, c. 197) All funds of the retirement system shall be in the custody and charge of the treasurer of state. The treasurer of state, with the approval of the commissioner of finance, the bank commissioner, and the commissioner of education, shall invest and reinvest such funds as are not required for current disbursements in accordance with the laws of the state governing the investment of the funds of savings banks as enumerated in subsections I to IX, inclusive, of section 38 of chapter 55.

II. The treasurer of state shall make such payments to the members of the retirement association from the annuity fund as the retirement board shall order, to be paid in accordance with the provisions of this chapter.

III. On or before the 1st day of August in each year, the treasurer of state shall file with the insurance commissioner and with the secretary of the retirement board a sworn statement exhibiting the financial condition of the retirement system on the 30th day of June in each year, and its financial transactions for the year ending on such date. Such statements shall be in the form prescribed by the retirement board, and shall be published with the report of the treasurer of state.

Sec. 236. Special reserve fund created; how expended. R. S. c. 19, § 243. 1933, c. 102. There shall be a reserve fund, to consist of gifts and receipts from sources other than those herein specified, and balances that may accrue on account of interest, savings, or otherwise, which fund shall be maintained and used, in the discretion of the retirement board, for unforeseen contingencies, expenses of administration, or any other purpose within the scope of the retirement system.

Sec. 237. General reserve fund; how administered. R. S. c. 19, § 244. 1933, c. 102. All moneys paid into the retirement board under subsection I of section 227 not otherwise expended shall be set aside and administered as a reserve fund wherewith to meet accrued liabilities for retiring and disability allowances as hereinbefore provided. Said fund shall be in all respects subject to the provisions of sections 221 to 241, inclusive, and to the rules and regulations of the retirement board authorized in respect to custody, investment, audit, and disbursement.

See c. 15, § 14, re funds held in trust.

Sec. 238. Retirement board to cause system to be examined annually by state auditor, and triennially by competent actuary; board may change scale of rates. R. S. c. 19 § 245. The retirement board shall cause the retirement system to be thoroughly examined annually by the state auditor and once in every 3 years, and oftener if deemed necessary, by a competent actuary or actuaries, and may call an actuary in consultation at any time; and such board is empowered to change the scale of contributions required of teachers, if deemed advisable as

the result of actuarial experience hereunder; but such change shall not be effective as to teachers becoming members of the retirement association before the same shall have been made, unless assented to by such members.

Sec. 239. Books and accounts to be examined and audited annually. R. S. c. 19, § 246. The accounts of the retirement board and the books and accounts of the treasurer of state as custodian of the funds of the retirement system, and the cash and securities in his hands representing such funds, shall be examined and audited annually at the time and in the manner prescribed for the annual audit of the accounts of the trustees of the permanent school fund and the accounts of the treasurer of state in connection therewith.

Sec. 240. Rules and regulations subject to change; benefits to be enjoyed so long as member meets requirements and complies with rules. R. S. c. 19, § 247. The rules and regulations prescribed for the administration of the retirement system shall be subject to change by the retirement board whenever deemed to be for the best interests of the entire body of teachers in the service of the state; but no changes affecting existing members of the association shall be made without their approval. The benefits of the retirement system shall be enjoyed by each member of the retirement association so long as he meets all the requirements of sections 221 to 241, inclusive, and complies with all the rules and regulations of the retirement board.

Sec. 241. Teachers may elect between the retirement system and teachers' pensions; not eligible to both; teachers entering service after July 1, 1924, eligible to the retirement system only. R. S. c. 19, § 248. Any teacher in service previous to July 1, 1924 may elect between the provisions of sections 221 to 241, inclusive, and the provisions of sections 212 to 219, inclusive, but shall not in any case be eligible to benefits under both. No teacher entering into service after July 1, 1924 shall be eligible to any benefits under sections 212 to 219, but shall be eligible to the benefits of sections 221 to 241 only.

See c. 60, § 1 et seq., re state employees' retirement system.

CHAPTER 38.

STATE LIBRARY.

- Sections 1-12 State Library.
- Section 13 Filing of Reports of Towns, Cities, and Counties.
- Sections 14-22 Distribution of Public Documents.
- Sections 23-31 Free Public Libraries.

State Library

Sec. 1. Management and supervision of state library; appointment of librarian; salary; employees. R. S. c. 4, §§ 1, 2. 1931, c. 216, Art. I, § 4; Art. VII, § 7. 1937, c. 221. 1939, c. 305, §§ 2, 3. 1943, cc. 320, 333. The Maine state library shall be under the management and supervision of a state librarian, who shall make such rules and regulations as are necessary for the proper management of the library and the safety of its contents. The governor, with the advice