

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1955 SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1955

Sec. 6. Rights of way.—Any person who has located a mining claim and has been issued a license in accordance with section 5, shall have the right-of-way across any lands owned or controlled by the state to and from said location, and the right to take from said public reserved lots all wood and timber necessary to be used in the operation of the mine, by paying to the state or the owner of the right to cut timber and grass, a fair and just price for the same. The bureau may issue a permit to the holder of a license giving him authority to open, construct, put in, maintain and use ditches, tunnels, pipes, conduits, flumes and other works through, over or upon said land for drainage and passage of water, together with the right to construct dams, provided same flow no land of others, in connection with the working of his mine to bring thereto water necessary or convenient for its operation with such conditions and restrictions as the bureau may impose. (1955, c. 409, § 1.)

Sec. 7. Mining under water.—Whenever it is discovered that a vein or lode in a mine continues from under the land to under water, where the title to the land underneath the water is in the state, the owner or owners of the mine shall have the right to follow the vein or lode, and claim the property rights thereto, and to conduct such operations as are necessary to develop and mine the said continuation of the vein or lode. (1955, c. 409, § 1.)

Sec. 8. Annual reports.—Any person, firm or corporation engaged in mining operations in accordance with this chapter shall file an annual report with the mining bureau in the month of January following the year such operation was permitted, setting forth the location of the operation and the kinds, grades and amounts of materials removed. (1955, c. 409, § 1.)

Chapter 40.

Maine Mining Bureau.

Secs. 1-14. Repealed by Public Laws 1955, c. 409, § 2.

Cross reference.—See c. 39-A, for present provisions re Maine mining bureau.

Chapter 41.

Department of Education.

Sections 98- 111. Approval and Accreditation of Secondary Schools.
 Sections 207-A to 216. Education of Physically Handicapped or Exceptional Children.
 Sections 218-A to 218-B. Driver Education.

Department of Education. Board. Commissioner.

Sec. 4. Commissioner of education.—The board shall appoint a commissioner of education whenever a vacancy occurs and fix his salary, not to exceed \$10,000 per year. The commissioner shall be executive officer and ex officio secretary of the board. (1949, c. 349, § 68; c. 403, § 2. 1951, c. 412, § 12. 1955, c. 473, § 13-A.)

Effect of amendment.—The 1955 amendment increased the maximum salary of the commissioner from \$9,000 to \$10,000 per year.

Sec. 11. Duties.

VII.

It is further provided that a course in geography and the natural and industrial

resources of Maine shall be taught in at least one grade from 7 to 12, inclusive, in all school systems, both public and private. (1949, c. 276. 1951, c. 120. 1955, c. 300)

Effect of amendment.—The 1955 amendment added the above paragraph at the end of subsection VII. As the rest of the

section was not changed by the amendment, only the new paragraph is set out.

Location of Schools.

Sec. 26. Heating, lighting and ventilating; readiness for occupancy and specifications; inspection and alterations; liability of town.—Where the plans and specifications prepared by the commissioner are not used, all superintending school committees, school building committees or school district trustees where 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, school building committee or school district trustees of the town in which it is proposed to erect, reconstruct or remodel such building. The superintending school committee, school building committee or school district trustees 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 or school district trustees of changes required to be made to comply with the conditions previously approved, and it shall be the duty of said committee or school district trustees promptly to rectify said conditions and failure to do so shall render the town liable to the provisions of section 31. (R. S. c. 37, § 21. 1955, c. 49.)

Effect of amendment.—The 1955 amendment inserted the reference to school building committees or school district trustees near the beginning of the first sentence and the reference to school dis-

trict trustees near the end of the first sentence. It also inserted references to school district trustees in the second and third sentences.

Sec. 27. Proper exits; municipal officers to correct defects.—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 all school buildings there shall be at least 2 separate means of egress and each story shall be supplied with means of extinguishing fire, consisting of sprinkler systems or fire extinguishers or of a hose attached to a suitable water supply, and such appliances 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 31. (R. S. c. 37, § 22. 1955, c. 146.)

Effect of amendment.—Prior to the 1955 amendment the fourth sentence applied only to buildings of more than one story and to each story above the first. The amendment also substituted, in the fourth sentence, the words “sprinkler systems or fire extinguishers” for the words “pails of water or other portable apparatus.”

Duties of Towns.

Sec. 37. Money raised for evening schools, day schools, classes and educational activities for adults.—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, day schools, classes and educational activities, which shall admit persons over 16 years of age, who are not in attendance at another public school, and shall be under the direction and supervision of the superintending school committee. (R. S. c. 37, § 32. 1955, c. 455, § 1.)

Effect of amendment.—The 1955 amendment inserted the words “day schools, classes and educational activities” and the words “who are not in attendance at another public school.”

Sec. 43. Transportation or board of children in temporary residences or on state owned property; payment.—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 annually in December from the department appropriation for the purpose. The commissioner is further authorized to make similar provisions for the transportation of any children who reside with a parent on state owned property located in towns of less than 100 inhabitants and in which conveyance for no other pupils is being provided by the town. (R. S. c. 37, § 38. 1951, c. 369. 1955, c. 69.)

Effect of amendment.—The 1955 amendment substituted the words “annually in December from the department appropriation for the purpose” for the words “from the state school fund and at the time of the distribution of such fund” at the end of the first sentence.

Sec. 44. School age; kindergartens.—In the public schools of the state only those children who are or will become 6 years of age on or before October 15th of the school year shall be admitted to grade one.

In schools which offer a one-year childhood education program prior to grade one, only those children who will be 5 years of age on or before October 15th of the school year shall be admitted.

In schools which offer a two-year childhood education program prior to grade one, only those children who will be 4 years of age on or before October 15th of the school year shall be admitted. All children who have been enrolled in one or more years of childhood education programs prior to grade one before the effective date of this act shall be allowed to continue regular advancement notwithstanding the provisions of this act.

Subject to the foregoing provisions and further subject to such reasonable regulations as the superintending school committee shall from time to time prescribe, every person between the ages of 5 and 21 shall have the right to attend the public schools in the town in which his parent or guardian has residence. Residence as used in this section shall mean the city or town where the father main-

tains a home for his family. If the parents of the child are separated, residency shall be considered to be the town where the person having custody of the child maintains his or her home. (R. S. c. 37, § 39. 1945, c. 160. 1955, cc. 63, 365.)

Effect of amendments.—The first 1955 amendment deleted the word “legal” before the word “residence” at the end of the first sentence of the last paragraph and added the second and third sentences of the last para-

graph. The second 1955 amendment, effective July 1, 1956, rewrote this section, incorporating the changes made by the first amendment.

Sec. 51. Requirements in construction.

I. Flush closets. Flush water closets connected with sewer filter bed or septic tanks, with separate compartments for the sexes, accessible only by separate passageways from schoolrooms or corridors. (1955, c. 67, § 1)

Effect of amendment.—The 1955 amendment inserted the word “or” after the word “bed” in subsection I and deleted the words “or protected cesspool,” after the word “tanks” in subsection I. Section 2 of the amendatory act provided that:

“The provisions of this act shall not apply to school buildings or buildings used for school purposes which are already constructed.” As the rest of the section was not changed by the amendment, only subsection I is set out.

School Supervisory Unions.

Sec. 79. Meetings; union superintendent removed for cause; salary; tenure.—The superintending school committees of the towns comprising 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 comprising 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 annually during the month of December, at a day and place agreed upon by the chairmen of the committees of the several towns comprising 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 appropriated 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; provided further, that such superintendent of schools may appeal from the decision of such committee to the commissioner for a public hearing. 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, exclu-

sive 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. (R. S. c. 37, § 70. 1945, c. 330, § 3. 1949, c. 349, § 70. 1955, c. 64.)

Effect of amendment.—The 1955 amendment deleted the words “between April 1 and June 30” before the word “annually” in the second sentence, and inserted the

words “during the month of December” after the word “annually” in the second sentence.

Sec. 81. Towns and cities having 75 teachers need not unite; report.—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 79. Annually, in the month of June or whenever a superintendent of schools is chosen, the chairman and secretary pro tempore of the committee or board of education 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 to be paid; then upon the approval of said certificate by the commissioner, the superintendent so employed shall, on presentation of proper vouchers, receive monthly out of the sum appropriated for superintendence of towns comprising school unions a sum equal to the amount paid by the town, provided that the amount so paid shall not exceed \$1,350 for one year for the superintendent of any one town. (R. S. c. 37, § 72. 1947, c. 381. 1955, c. 210.)

Effect of amendment.—The 1955 amendment substituted “\$1,350” for “\$1,500” near the end of the last sentence.

Compulsory Education.

Sec. 93. Children to attend school in adjoining town; tuition.—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 107, 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 may attend a public elementary school in a town other than the town where he lives with his parent as defined in section 44, after having obtained the consent of the superintending school committee of such town, and the parent or guardian shall pay as tuition a sum equal to the average expense of each scholar in such school. (R. S. c. 37, § 84. 1949, c. 251. 1955, c. 62.)

Effect of amendment.—The 1955 amendment rewrote the second sentence.

Approval and Accreditation of Secondary Schools.

Sec. 98. Approval and accreditation of secondary schools.—The secondary schools of this state shall be evaluated for basic approval and may be evaluated for accreditation. No school shall be given basic approval for attendance,

tuition or subsidy purpose within the provisions of this chapter unless it meets the following requirements:

- I. It maintains a course of study approved by the commissioner of education.
- II. It has a school day of sufficient length to allow 200 minutes per week for each period in the basic schedule.
- III. It has a minimum school year of 180 legal school days.
- IV. It employs one or more certified or licensed teachers for each two grades of its organization.
- V. It has a pupil-teacher ratio of not more than 30 to 1.
- VI. It has safe and hygienic facilities, adequate equipment and supplies, all of which comply with the regulations established by the state department of health and the state department of education.
- VII. It is organized to include not less than 2 consecutive grades from 8 to 12, inclusive.
- VIII. The requirements for graduation include 16 Carnegie units earned in grades 9 through 12, inclusive, 4 of which shall be in English and one in American history.
- IX. It has adequate, safely protected records.

Any approved school may apply to the commissioner of education for recognition as an accredited school. The commissioner, with the approval of the state board of education, shall establish requirements for accreditation which shall include nationally recognized standards, including quality of instruction, school facilities and curriculum content. The commissioner shall appoint an advisory committee consisting of professional and lay persons to assist in the development of these standards. No school shall be accredited until it has been evaluated by a committee qualified to appraise its functions and the success attending its program. (R. S. c. 37, § 89, 1955, c. 369, § 1.)

Effect of amendment.—The 1955 amendment, which will become effective July 1, 1960, rewrote this section.

Sec. 99. Towns not obliged to pay tuition; exception.—A town or union maintaining an approved secondary school as defined in section 98 shall not be required to pay tuition for any pupil until he has completed that part of the course or the equivalent thereof of said school approved by the commissioner except as provided by section 107. (R. S. c. 37, § 90, 1945, c. 214, 1955, c. 369, § 2.)

Effect of amendment.—The 1955 amendment, which will become effective July 1, 1960, deleted the first sentence, relating to class A high schools, substituted "an approved secondary school" for "a class B or junior high school" in the second sentence.

Sec. 100. Schools inspected.—All schools of secondary grade receiving state aid shall be inspected under the direction of the commissioner and the expense thereof shall be paid from the state appropriation for the support of high schools; and he shall determine what schools are approved for attendance, tuition and subsidy purposes and what schools are accredited through the procedures described in section 98. (R. S. c. 37, § 91, 1955, c. 369, § 3.)

Effect of amendment.—The 1955 amendment, which will become effective July 1, 1960, rewrote that part of the section following the semicolon.

Sec. 105. Pupils in towns having no free high schools.—Any town which does not maintain a free high school of standard grade may authorize its superintending school committee to contract for 1 to 5 years with and pay the superintending school committee of any nearby town or towns, or the trustees of any academy located within such town or in any nearby town or towns, for the schooling of pupils within said town in the studies contemplated by section 98. When such a contract exists, a joint committee may be formed, if approved by a

majority vote of both the trustees and the superintending school committee. Such joint committee shall consist 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, or as provided in the act of incorporation of any such academy and amendments thereto prior to May 1, 1907, the tuition liability of said town shall be the same as if a free high school were maintained in accordance with section 98, and the expenditure of any town for schooling of pupils as provided in this section shall be subject to the conditions of sections 107 and 108 for the purposes of state subsidy to the municipality or community school district under the provisions of section 237. (R. S. c. 37, § 96. 1945, c. 216; c. 321, § 1. 1951, c. 393, § 1. 1953, c. 185. 1955, c. 233, § 1.)

Effect of amendments.—This section was twice amended by the Public Laws of 1955. Chapter 233, § 1, which is the only amendment given effect in the section as set out above, substituted “nearby” for “adjoining” in two places in the first sentence and rewrote the former second sentence to appear as the present second and third sentences. Chapter 369, § 4, which will become effective July 1, 1960, amended the section to read as follows:

“Any town which does not maintain an approved secondary school may authorize its superintending school committee to contract for 1 to 5 years with and pay the superintending school committee of any adjoining town or towns, or the trustees of any academy located within such town or in any adjoining town or towns, for the schooling of pupils within said town in the studies contemplated by section 98. When the amount to be paid under the contract shall equal or exceed the income of the academy for the preceding fiscal year, exclusive of sums paid said academy by the contracting town, a joint committee shall be formed consisting of the superintending school committee of said town and an equal number of the trustees of the acad-

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

Sec. 106. State aid.—No town shall receive state aid under the provisions of section 105 if an approved public secondary school is maintained by such town. (R. S. c. 37, § 97. 1955, c. 369, § 5.)

Effect of amendment.—The 1955 amendment, which will become effective July 1, 1960, substituted the words “an approved

public secondary school” for the words “a free high school of standard grade.”

Sec. 107. A youth residing in town not supporting a secondary school may attend such school elsewhere; occupational courses; tuition; board.—Any youth who resides with a parent or guardian in any town which does not support and maintain an approved secondary school may attend any approved secondary school to which he may gain entrance by permission of those having

charge thereof. When a town not maintaining a secondary school has authorized its superintending school committee to contract, as provided for in section 105, with the trustees or superintending school committees of 2 schools, and when the officials of one of these schools refuses to enter a contract, then the superintending school committee may authorize pupils residing within said town to attend that noncontracting school and may pay the trustees or superintending school committee of the receiving school the legal tuition charge thereof. Any youth who resides with a parent or guardian in a town that maintains, or contracts for school privileges in, an approved secondary school which offers less than 2 approved occupational courses of study, and who has met the qualifications for admission to the high school in his town, may elect to attend some other approved secondary school to which he may gain admission for the purpose of studying an occupational course not offered or contracted for by the town of his legal residence.

In the case of any youth attending school under conditions as provided for in the preceding paragraph, in schools in which the enrollment of tuition students is 10% or more of the total enrollment or attending any community high school, the annual tuition shall not exceed 115% of the average cost per pupil in all secondary schools of the state for the preceding fiscal year; except that, in a secondary school in which the enrollment of tuition pupils is less than 10% of the total enrollment or in which at least 3 courses of study, 2 of which are industrial or occupational, are not offered, the tuition shall not exceed the average cost per pupil in all secondary schools of the state for the preceding fiscal year. Said tuition shall be paid by the town in which said youth resides as aforesaid, and said tuition shall be payable for the fall term of school on January 1st; for the winter term of school on April 1st; and for the spring term of school on July 1st. Said tuition so paid shall be made a part of the secondary school fund of the town or academy receiving the same. Towns shall raise annually, as other school moneys are raised, a sum sufficient to pay such tuition charges. Provided, however, that no youth shall be entitled to free tuition under the provisions of this section unless he shall have satisfactorily passed an examination in elementary school branches, said examination having been given under the direction of the superintendent of schools of the town wherein such youth resides, on papers procured from the commissioner, or unless such youth shall have satisfactorily completed a standard elementary school course of study which has been approved by the commissioner; except that any youth who has satisfactorily completed the course of study of an approved secondary school in which the program of studies terminated before the 12th grade, as provided by section 98, shall be entitled to his free tuition, as hereinbefore provided, for the completion of grades 9 to 12 in an approved secondary school without the examination herein prescribed; provided further, that such free tuition privilege shall continue only so long as said youth shall maintain a satisfactory standard of deportment and scholarship. Any youth who otherwise meets the requirements of this section for admission to grade 9 shall be entitled to the payment of his tuition, as herein provided, in any approved secondary school offering part or all of the program of grades 9 through 12. Superintendents of schools shall issue certificates of free tuition privilege to persons who may be entitled to free tuition under the provisions of this section. Any school receiving tuition pupils under the provisions of this section shall provide, without additional charge, all textbooks, apparatus and appliances used by said pupils, subject to the provisions of sections 34 to 36, inclusive.

It is further provided that in the case of any youth qualified for attendance at secondary school in accordance with the preceding paragraph, who resides with his parents, legal guardian or person acting in loco parentis, on a Maine coast island without highway connection with the mainland in any town not maintaining an approved secondary school, so located that in the judgment of the commissioner attendance at secondary school necessitates boarding away from home and the arrangement is approved by him in advance upon a form provided for the purpose, the town wherein said pupil resides shall pay an amount for this purpose to-

ward his board not to exceed \$180 for the school year or a prorated amount for any fraction thereof. Payment for said board shall be made, upon receipt of a satisfactory attendance record, at the end of periods not longer than 1 school month and shall be charged to the same account as that of secondary school tuition.

Notwithstanding the foregoing, the town of Cumberland may pay the tuition, and in addition, conveyance or board subject to the regulations of the superintending school committee, of any student whose parent or guardian resides on Chebeague Island, for attendance at any approved secondary school. These expenditures shall be subject to state subsidy under section 237. (R. S. c. 37, § 98. 1945, c. 120, § 1; c. 270. 1947, c. 237; c. 400, § 1. 1949, c. 443, § 1. 1951, c. 393, § 2. 1953, c. 21, § 1. 1955, c. 252; c. 369, § 6.)

Effect of amendments.—The first 1955 amendment added the last paragraph. The second 1955 amendment, which will become effective July 1, 1960, made changes in the first and third sentences of the first paragraph, in the fifth and sixth sentences of the second paragraph, and in the first

sentence of the third paragraph. The second 1955 amendment did not refer to the first amendment or include the paragraph added by it; however, both amendments have been given effect in the section as set out above.

Community School Districts.

Sec. 114. Duties of trustees; trustees to serve without compensation; salary and bond of treasurer; annual report.

The trustees shall serve without compensation, except the treasurer may receive for his services an amount to be fixed by the board of trustees not to exceed \$250 per year. The treasurer shall give a bond to the district in such sum and with such sureties as the trustees may determine, which bond shall be deposited with the chairman. The expense of such bond shall be paid by the district. The treasurer's salary, bond premium and all expenses of the district shall be paid from the funds of the district. At the close of the fiscal year the trustees shall make a detailed report of their doings, of the financial condition of said district and the physical condition of said school building or buildings, and also such other matters pertaining to said district as shall show the inhabitants thereof how said trustees are fulfilling the duties and obligations of their trust, duplicate copies of said reports to be made, attested to and filed with the municipal officers of each participating town. (1947, c. 357. 1949, c. 249, § 3. 1951, c. 118. 1953, c. 336, §§ 2, 3. 1955, c. 32.)

Effect of amendment.—The 1955 amendment added the above paragraph at the end of this section. As the original para-

graph of the section was not changed, it is not set out.

Academies and Seminaries.

Sec. 122. Trustees of academies, etc., may surrender property to establish free high schools.—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, or to any community school district organized under the general law or by special law which includes the town where the 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, or said community school district shall be a board of trustees or trustee to take and hold said property for maintaining a free high school; and upon receiving said property, they or it shall use proper diligence to make the same produce income for the support of said free high school. (R. S. c. 37, § 103. 1955, c. 162, § 1.)

Effect of amendment.—The 1955 amendment inserted provisions for the surrender

of property to a community school district.

Sec. 123. Property conveyed.—When the vote described in section 122 is passed, the trustees mentioned in section 122 shall convey, assign and deliver to the municipal officers of said town, or the trustees of the said school fund, or to the said community school district, all property belonging to such academy or corporation for the purposes indicated by the preceding section. (R. S. c. 37, § 104. 1955, c. 162, § 2.)

Effect of amendment.—The 1955 amendment deleted the words “the treasurer of” following the word “passed” near the beginning of the section, and inserted the words “or to the said community school district.”

Sec. 124. Income of property; qualifications of pupils; tuition by nonresidents.—The town or community school district accepting the property in trust, as named in section 122, shall apply the income thereof towards the support of a free high school to serve the town where the said academy or corporation has been situated, 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 the said town, or the community school committee if a community school district, 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 said town or community school district, having such certificate, may attend said school without tuition fee, and all scholars not residents of said town or community school district may attend said school upon such terms and conditions as said superintending school committee or said community school committee may impose. (R. S. c. 37, § 105. 1955, c. 162, § 3.)

Effect of amendment.—The 1955 amendment rewrote this section, making it applicable to property surrendered to a community school district.

Sec. 126. State board of education regulations.—The state board of education may make such reasonable regulations regarding tuition charges, accounting and other aspects of academy and municipal relationship as are deemed necessary for carrying out the purposes and provisions of sections 125 to 129, inclusive. (R. S. c. 37, § 107. 1951, c. 266, § 59; c. 397, § 2. 1955, c. 233, § 2.)

Effect of amendment.—The 1955 amendment deleted the former second sentence, which prohibited the creation of a board consisting of representatives of an academy and a municipality for the purpose of administering the affairs of the academy.

**Instructors. Duties and Qualifications. Degrees.
Holidays. Moral Instruction.**

Sec. 144-A. Instruction on foundations of American freedoms.—Pupils in either of the last two grades of the free public high schools of the State shall be given instruction in the foundations of our American freedoms including the constitutions of the United States and the state of Maine. The commissioner of education shall prescribe the course of study which course of study shall be required for graduation from all free public high schools. (1955, c. 344, § 1.)

Effective date.—Section 2 of the act inserting this section provides: “The provisions of this act shall become effective for the school year commencing in September, 1956.”

Sec. 154. School holidays; special observances.—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; Veterans 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 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. (R. S. c. 37, § 136. 1955, c. 405, § 32.)

Effect of amendment.—The 1955 amendment substituted "Veterans day" for "Armistice day" in the first sentence.

Schooling in Unorganized Territory.

Sec. 161. State to pay tuition in secondary school; board.—Any youth who resides with a parent or legal guardian in the unorganized territory of this state and who may be judged by the commissioner qualified to enter a secondary school may attend any such school in the state to which he may gain entrance by permission of those having charge thereof, provided said school shall be approved by the commissioner. In such case the tuition of said youth, not to exceed the same amount towns not supporting and maintaining an approved secondary school are required by law to pay annually for secondary school tuition, shall, provided a satisfactory standard of scholarship and deportment is maintained, be paid by the state under such rules and regulations as may be made by the commissioner.

It is further provided that, in the case of any youth qualified for attendance at secondary school in accordance with the provisions of the preceding paragraph, who resides with his parents, legal guardian or person acting in loco parentis, in the unorganized territory, so located that in the judgment of the commissioner attendance at secondary school necessitates boarding away from home and the arrangement is approved by him in advance upon a form provided for the purpose, the state shall pay an amount for this purpose toward his board not to exceed \$180 for the school year or a prorated amount for any fraction thereof. Payment for said board shall be made, upon receipt of a satisfactory attendance record, at the end of periods not less than one school month and subject to such rules and regulations as the commissioner may establish. (R. S. c. 37, § 144. 1945, c. 119. 1955, c. 369, § 7; c. 452, § 1.)

Effect of amendments.—The first 1955 amendment, which will become effective July 1, 1960, deleted the words "or standard grade" before the word "approved" near the end of the first sentence and substituted the words "an approved" for the words "a standard" near the middle of the second sentence. The second 1955 amend-

ment deleted the words "on a Maine coast island" after the word "parentis" in the first sentence of the second paragraph and substituted "less" for "longer" and added the words "and subject to such rules and regulations as the commissioner may establish" in the second sentence of the second paragraph.

Sec. 164. Unorganized territory school fund.—Such amounts as are necessary to carry out the provisions of sections 159, 160, 161, 164, 165, 177 and 183 shall be paid out of the unorganized territory school fund heretofore established. The commissioner is authorized to use this fund for any purpose in connec-

tion with the schooling of children in the unorganized territory of the State, including: salaries, board and traveling expenses of teachers and supervisors; conferences, training programs and professional improvement of teachers; fuel and janitor service; tuition, board and transportation of elementary and secondary school pupils; text and reference books, school apparatus and supplies; leases or rentals of lots or school buildings; minor repairs to school buildings or equipment; services, expenses and fees of agents, attendance officers and clerical assistance; office expenses; utility service; school medical and dental services; and any other expenses he may deem necessary to carry out the purposes of the above-mentioned sections. (R. S. c. 37, § 146. 1945, c. 350, § 7. 1951, c. 260, § 2; c. 410, § 2. 1955, c. 452, § 2.)

Effect of amendment.—The 1955 amendment inserted the words “and secondary” after the word “elementary” in line eight

and deleted the words “secondary school tuition” before the word “text” in line nine.

Sec. 166. School tax rate.—

I. On April 1, annually, the total cost of school privileges provided in any unorganized unit under sections 159, 160, 161 and 164, for the school year ending on the preceding June 30, together with an additional charge of 8% of such total cost for administration, but with deductions for the amount of interest on lands reserved, if any, prorated to allow for the allocation provided by subsection I of section 53 of chapter 36, of said unorganized unit for said school year and any other sums credited to the unorganized territory school fund on behalf of said unit, shall be assessed upon the property of said unorganized unit by the state tax assessor in accordance with the provisions of section 79 of chapter 16; 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; except that the school tax rate for the assessment made April 1, 1955 shall be limited to a school tax rate of 10 mills on the dollar above the average of the school tax rates of the municipalities of the state as found by dividing the 1954 municipal appropriations for school maintenance and operation by the 1954 state valuation of said municipalities. It shall be the duty of the commissioner to furnish on or before February 10 of each year to the state tax assessor a statement of expenditures for school purposes in each unorganized unit during the preceding school year and deductions on account of interest on lands reserved and other 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 to the commissioner of finance and administration, who shall credit the amount of said tax assessment to the unorganized territory school fund for the fiscal year following the date of such statement. (1945, c. 41, § 30; c. 350, § 8. 1951, c. 260, § 3. 1953, c. 265, § 6; c. 308, § 62. 1955, c. 179.)

Effect of amendment.—The 1955 amendment, which became effective on its approval, April 11, 1955, changed the first sentence of subsection I by inserting the words “a school tax rate of 10 mills on the

dollar above.” It also added the exception clause at the end of the same sentence. As subsections II, III and IV were not changed by the amendment, they are not set out.

State Examination of Teachers.

Sec. 184. Certificate; examination; regulations; revocation.—Certificates of qualification signed by the commissioner shall be granted to all candidates who pass satisfactory examinations in such branches as are required or permitted by law to be taught in the public schools and who in other respects fulfill the proper requirements; provided, however, that no person shall be eligible for a certificate unless he is at least 17 years of age and has completed not less than an approved secondary school course or unless he shall present satisfactory evi-

dence of such educational attainment otherwise secured as may be adjudged by the commissioner to be the equivalent of said approved 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 he furnishes evidence of good moral character and meets 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, 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. (R. S. c. 37, § 156. 1955, c. 369, § 8.)

Effect of amendment.—The 1955 amendment, which will become effective July 1, 1960, substituted the words “an approved” for the words “a standard” in line seven and the word “approved” for the word “standard” in line nine.

Industrial Education.

Sec. 193. State aid for evening schools, day schools, classes and educational activities for adults; activities not supported by school funds nor reimbursed by state.—Whenever the superintending school committee of any town shall have maintained during the school year evening schools, day schools, classes and educational activities for adults as provided by section 37, said town shall be reimbursed by the state a sum equal to $\frac{1}{2}$ the amount paid for instruction and activities contributing to learning in such classes. Such schools shall meet the approval of the commissioner in regard to the qualifications of instructors, length of term, class attendance and subjects offered.

The superintending school committee may establish and furnish facilities for day and evening educational and recreational activities for adults not supported by public school funds and not reimbursed by the state. Such courses and activities may be financed by tuition fees, by funds voted by the town or by funds from other proper sources or by any combination of these. (R. S. c. 37, § 166. 1951, c. 104. 1955, c. 455, § 2.)

Effect of amendment.—The 1955 amendment extended the application of this section to day schools, classes and educational activities. It also added the second paragraph.

Vocational Education and Schools.

Sec. 199. Vocational rehabilitation; policy; state board of education as state agency.—It is hereby declared to be the policy of this state to provide

rehabilitation services to eligible handicapped persons throughout the state to the end that they may engage in useful and remunerative occupations to the extent of their capabilities, thereby increasing their social and economic well-being and that of their families, and the productive capacity of this state and also thereby reducing the burden of dependency on families and taxpayers.

Pursuant to such policies, the state board of education is hereby designated and established as the sole state agency to provide vocational rehabilitation services to all residents of the state under the provisions of Public Law 565, 83rd Congress, 2nd Session, except the blind as provided for under chapter 25. Subject to the approval of the state board of education, the executive officer of the state board shall make such rules and regulations as he finds necessary or appropriate to efficient administration of a program of vocational rehabilitation as herein provided for, shall enter into agreements with local, state and federal agencies providing services relating to vocational rehabilitation and shall prepare and issue a State plan of vocational rehabilitation which, under the above condition, shall be amended from time to time as appears necessary or desirable. (R. S. c. 37, § 173. 1955, c. 465, § 1.)

Effect of amendment.—The 1955 amendment, effective on its approval, May 21, 1955, rewrote this section, which formerly related to acceptance by the state of the act of congress providing for promotion of vocational rehabilitation.

Sec. 200. Appropriations; federal and other funds.—The legislature shall appropriate for vocational rehabilitation services such sums as it finds necessary. The acceptance of federal and other funds made available for purposes of vocational rehabilitation is hereby authorized and the state board of education, is empowered to cooperate with the appropriate federal agencies in carrying out the provisions of Public Law 565, 83rd Congress, 2nd Session cited as the "Vocational Rehabilitation Amendments of 1954" and such other federal programs as may concern vocational rehabilitation, and to contract with schools, hospitals and other agencies and with doctors, nurses, technicians and other persons, for training, physical restoration, transportation and other services required to carry on a program of vocational rehabilitation. (R. S. c. 37, § 175. 1949, c. 403, § 5. 1955, c. 465, § 2.)

Effect of amendment.—The 1955 amendment, which became effective on its approval, May 21, 1955, rewrote this section.

Sec. 201. Cooperation with other agencies.—In accordance with the provisions of sections 199 to 202, inclusive, the state board of education shall cooperate with and utilize the services of state agencies interested in problems related to vocational rehabilitation; shall make use of the services and facilities of the Maine employment security commission especially as they relate to job placement and employment counselling services; and shall, subject to such standards and regulations as may be established by the state board, cooperate with other public and nonprofit organizations and agencies as far as possible in providing vocational rehabilitation services. (R. S. c. 37, § 176. 1949, c. 403, § 6. 1955, c. 465, § 3.)

Effect of amendment.—The 1955 amendment, which became effective on its approval, May 21, 1955, rewrote this section.

Sec. 202-A. State agency for determination of physical disability designated; federal-state agreement.—The state board of education is hereby designated as the state agency to make determinations of disability required under section 221 of title II of the Federal Social Security Act as set forth in section 106, Public Law 761 83rd Congress, and the executive officer of the state board of education, subject to approval of the governor, is hereby authorized and empowered to enter into an agreement on behalf of the state with the secretary of health, education and welfare to carry out the provisions of title II of the Fed-

eral Social Security Act relating to the making of determinations of disability. (1955, c. 321.)

Effective date.—This section became effective on its approval, May 9, 1955.

Sec. 202-B. Funds for carrying out federal-state agreement.—The treasurer of state is hereby authorized and directed to act as custodian of the moneys paid by the federal government to the state to carry out the agreement referred to in section 202-A and shall disburse such moneys in accordance with the direction of the state board of education or its designated representatives. (1955, c. 321.)

Effective date.—This section became effective on its approval, May 9, 1955.

Sec. 202-C. Cost of administration of §§ 202-A to 202-D.—Any cost of administering the provisions of this act shall be paid from funds received from federal sources in accordance with the agreement made under section 202-A. (1955, c. 321.)

Effective date.—This section became effective on its approval, May 9, 1955.

Sec. 202-D. Rules and regulations for administration of §§ 202-A to 202-D.—The executive officer of the state board of education, subject to the approval of the state board of education, shall make such rules and regulations as he finds necessary or appropriate to the efficient administration of the duties imposed on the state board of education by the provisions of sections 202-A to 202-D, inclusive. (1955, c. 321.)

Effective date.—This section became effective on its approval, May 9, 1955.

Education of Physically Handicapped or Exceptional Children.

Sections 207-A to 207-I cumulative.—207-A to 207-I, inclusive, shall not supplant services available to handicapped children by any other department of the State. Section 4 of the act which added §§ 207-A to 207-I of this chapter provides: "It is the intent of the legislature that sections

Sec. 207-A. Purpose.—It is hereby declared to be the policy of the state to provide, within practical limits, equal educational opportunities for all educable children in Maine. The purpose of sections 207-A to 207-I, inclusive, is to provide educational facilities, services and equipment for all handicapped or exceptional children below 21 years of age who cannot be adequately taught with safety and benefit in the regular public school classes of normal children or who can attend regular classes beneficially if special services are provided. (1955, c. 467, § 1.)

Sec. 207-B. Definitions.—The term "handicapped or exceptional child" shall mean any educable child under 21 years of age whose parents, guardian or person acting in loco parentis resides within the state, and whose educational needs cannot be adequately provided for through the usual facilities and services of the public schools and community school districts, because of the physical or mental deviations of such child.

"Special services" shall be transportation; tutoring; corrective teaching, such as speech reading, speech correction, sight conservation and similar forms of instruction; and provision of special seats, books and teaching supplies and equipment required for the instruction of handicapped or exceptional children. (1955, c. 467, § 1.)

Sec. 207-C. Administration.—The general supervision of the education of all children of school age in the state, including handicapped or exceptional children, is the responsibility of the commissioner of education. He shall employ a director and such qualified personnel as may be needed for consultant service and

to develop, inspect, approve and supervise a program of special education for handicapped or exceptional children. The commissioner, with the approval of the state board of education, shall make necessary rules and regulations for the proper administration of sections 207-A to 207-I, inclusive. The state department of education is authorized to receive contributions and donations to be used in conjunction with appropriations made to carry out the provisions and requirements of sections 207-A to 207-I, inclusive. The state department of education is hereby designated as the agency for cooperation with the federal government in any program for the education of handicapped or exceptional children. (1955, c. 467, § 1.)

Sec. 207-D. Instruction.—The commissioner may approve the attendance of handicapped or exceptional children at special schools such as the Maine school for the deaf, Pownal state school and Perkins institute for the blind in Watertown, Massachusetts, or at such other schools or institutions as he may designate. He may also approve education at either the elementary or secondary level for handicapped or exceptional children through home instruction, hospital instruction or special services. (1955, c. 467, § 1.)

Sec. 207-E. Appropriation.—Appropriations made under the provisions of sections 208 to 216, inclusive, and subsequent appropriations made for this service are to be used to pay cities, towns, plantations, community school districts or institutions designated by the commissioner, for the cost of such special education over and above the average per capita cost for the preceding fiscal year of educating normal children in the respective cities, towns, plantations or community school districts. This subsidy shall be paid according to regulations formulated by the commissioner to permit adequate instruction and to prevent unnecessary use of state funds. These appropriations may also be used for administrative costs, to conduct centers for study and guidance of children and for counselling with their parents and teachers, to engage specialists, to train teachers and for any other purposes approved by the state board of education as being necessary to carry out the purpose of sections 207-A to 207-I, inclusive. (1955, c. 467, § 1.)

Sec. 207-F. Responsibility of municipalities.—Every municipality is responsible for appropriating sufficient funds to provide at least the same per capita expenditure for the education of handicapped or exceptional children as is provided for the education of normal children. This appropriation is to be expended for programs of special education at either the elementary or secondary level under the supervision of the superintending school committee or for other programs approved by the commissioner. (1955, c. 467, § 1.)

Sec. 207-G. Procedures.—A class for 8 or more handicapped or exceptional children may be established in any public school, or under any other plan, provided it is approved as to requirements for admission, teacher preparation, plan of instruction, necessary facilities and supervision. In municipalities where there are too few handicapped or exceptional children to make the organization of a special class feasible, such children may be entered in a special class in another municipality. Other programs consistent with the purpose of sections 207-A to 207-I, inclusive, may be developed with the approval of the commissioner. (1955, c. 467, § 1.)

Sec. 207-H. Reports.—The superintendent of schools and the director of any institution eligible to receive subsidy under the provisions of sections 207-A to 207-I, inclusive, shall keep an accurate account of all moneys paid out for the maintenance of special classes, for special instruction and for special transportation, and shall report the same on forms provided for the purpose.

The superintendents of schools and directors of institutions shall report annually on forms provided by the state department of education all children who are physically or mentally handicapped, whether they are attending school or have been excused or excluded from school. (1955, c. 467, § 1.)

Sec. 207-I. Preparation of teachers.—It shall be the duty of the commissioner to see to it that suitable provision is made for the education of teachers and school administrators to meet the educational needs of handicapped or exceptional children. As funds may be made available for the purpose, he shall provide in one or more of the teachers' colleges courses of instruction and such special services for handicapped or exceptional children as will provide the necessary practical training and the demonstrations necessary for this professional training. (1955, c. 467, § 1.)

Secs. 208-216. Repealed by Public Laws 1955, c. 467, § 2.

Driver Education.

Sec. 218-A. Purpose.—The purpose of sections 218-A and 218-B is to develop the knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles, through classroom instruction and behind the wheel driving and observation in a dual control automobile, by encouraging superintending school committees of the several municipalities of the state to make provision for this instruction in all the public secondary schools and academies under joint board or contract with the town. (1955, c. 475.)

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

- I. Salaries and traveling expenses for a state director of driver education, clerical assistance and supplementary teaching aids essential to the program;
- II. Special subsidies shall be paid in September to the cities, towns, plantations and community school districts for all courses in driver education according to the following plan: \$10 for each pupil satisfactorily completing the driver education course during the school year 1955-1956, and thereafter \$10 for each pupil satisfactorily completing the driver education course for the first year it is instituted in a given school. The subsidy for these continuing courses shall be with and in addition to general purpose aid and shall be computed on the annual salary of the driver education teacher by adding 25 percentage points to the maximum percentage used in computing subsidy under section 237. Such driver education course shall meet the approval of the commissioner in regard to teacher qualifications, limitations as to the number of pupils and the course of study offered. (1955, c. 475.)

Normal Schools and Teachers' Colleges.

Sec. 223. Five normal schools and teachers' colleges.—The Farmington state teachers' college at Farmington, the Gorham state teachers' college at Gorham, the Washington state teachers' college at Machias, the Fort Kent state normal school at Fort Kent and the Aroostook state teachers' college at Presque Isle shall be conducted for the purposes and upon the principles herein set forth. (1955, c. 375.)

Effect of amendment.—The 1955 amendment substituted "Fort Kent state normal school" for "Madawaska training school" in the first paragraph. As subsections I to V were not changed by the amendment, they are not set out.

State School Fund.

Sec. 236. Definitions.—For the purposes of section 108 and sections 235 to 241, inclusive, the following terms are defined:

The term "elementary school" shall be understood to include that part of the

school organization of a town in which is offered a program of studies preceding that offered by an approved secondary school as defined by section 98.

The term "secondary school" shall be understood to include that part of the school organization of a town offering a program of studies as included in high schools or any part thereof as defined by section 98 and as arranged for by the establishment and maintenance of a free high school, a union high school or by contract with the superintending school committee of an adjoining town or with the trustees of an academy within the town or in an adjoining town as provided for by section 105.

(1955, c. 369, § 9.)

Effect of amendment.—The 1955 amendment, which will become effective July 1, 1960, substituted the words "an approved secondary school" for the words "a class A high school" in the second paragraph,

and deleted "class A" before the words "high schools" near the beginning of the third paragraph. As the fourth, fifth and sixth paragraphs were not changed by the amendment, they are not set out.

Sec. 237. General-purpose educational aid; minimum salaries for teachers; reimbursement for professional credits.—On the basis of information available in the office of the commissioner on September 1st for the 2 years next preceding the biennial convening of the legislature, as provided in returns of educational statistics required by him, the commissioner shall apportion subsidies to the cities, towns, plantations and community school districts of the state according to the following plan:

The several cities, towns and plantations shall be divided into 24 classifications according to their valuations per resident school child being educated at public expense. The valuation shall be as determined by the board of equalization in the statement filed by it, as provided in section 67 of chapter 16 and effective on September 1st, except that the distribution for the fiscal year beginning July 1, 1955 shall be based on the board of equalization's statement filed on December 1, 1952, and in accordance with the provisions of this section as they existed on January 1, 1955 and the distribution for the fiscal year beginning July 1, 1956 shall be based on the board of equalization's statement filed on December 1, 1954, and the number of children shall be the average of the last 2 enrollment reports of pupils being educated at public expense on April 1st annually.

Except as above provided for the fiscal years beginning July 1, 1955, and July 1, 1956, for each classification the subsidy allocation shall be the same for each of the 2 years of the biennium and shall be a percentage of the average educational costs of the municipality for the preceding 2 years, excluding costs of capital outlay, rent, debt service, repairs and certain equipment, and deducting incidental receipts. The cost of vocational education shall be the average of local appropriations for the 2-year period designated in the 1st paragraph of this section.

The range of classifications and percentage allocations for the payments of subsidy for the fiscal year beginning July 1, 1956 and thereafter shall be as follows:

Class	State valuation per resident pupil	Percentage of state support of educational operating expenditures
1	\$ 3,000 and under	65%
2	\$ 3,001 - \$ 3,375	62½%
3	\$ 3,376 - \$ 3,750	60%
4	\$ 3,751 - \$ 4,125	57½%
5	\$ 4,126 - \$ 4,500	55%
6	\$ 4,501 - \$ 4,875	52½%
7	\$ 4,876 - \$ 5,250	50%
8	\$ 5,251 - \$ 5,625	47½%
9	\$ 5,626 - \$ 6,000	45%
10	\$ 6,001 - \$ 6,375	42½%
11	\$ 6,376 - \$ 6,750	40%

Class	State valuation per resident pupil	Percentage of state support of educational operating expenditures
12	\$ 6,751 - \$ 7,125	37½%
13	\$ 7,126 - \$ 7,500	35%
14	\$ 7,501 - \$ 7,875	32½%
15	\$ 7,876 - \$ 8,250	30%
16	\$ 8,251 - \$ 8,625	28%
17	\$ 8,626 - \$ 9,000	26%
18	\$ 9,001 - \$10,000	24%
19	\$10,001 - \$11,000	22%
20	\$11,001 - \$12,000	20%
21	\$12,001 - \$13,000	18%
22	\$13,001 - \$14,000	17%
23	\$14,001 - \$15,000	16%
24	\$15,001 and over	15%

That portion of the allocation made under this section to any city, town or plantation which is a member of a community school district, because of its share in the allowable operating costs of the community school, shall be paid to the community school district and shall be credited to the municipality's share of costs for the purposes specified in this section.

Each city, town, plantation and community school district shall employ only certified teachers and shall pay such teachers, except substitute teachers as defined by the state commissioner of education, the minimum salaries as follows:

Years of teaching experience	Certified teachers	Teachers with 3 years of professional study beyond high school	Teachers with 4 years of professional study beyond high school and with a bachelor's degree	Teachers with an earned master's degree
0	\$1,600	\$2,000	\$2,400	\$2,400
1	\$1,700	\$2,100	\$2,500	\$2,500
2	\$1,800	\$2,200	\$2,600	\$2,600
3	\$1,900	\$2,300	\$2,700	\$2,700
4		\$2,400	\$2,800	\$2,800
5			\$2,900	\$2,900
6			\$3,000	\$3,000
7			\$3,100	\$3,100
8			\$3,200	\$3,200
9				\$3,300
10				\$3,400
11				\$3,500
12				\$3,600

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

After providing an opportunity for a hearing, the board, on recommendation of the commissioner, may adjust the state subsidy to a municipality or community school district when, in the opinion of the board, the expenditures for education in such municipality or district show evidence of manipulation to gain an unfair advantage or are adjudged excessive.

Whenever any certified teacher completes, within any 2-year period, 6 credit hours of additional professional work approved by the commissioner and receives

supplementary financial assistance in an amount not less than \$50 from a municipality or community school district, the municipality or community school district shall receive reimbursement of \$50 from the state for such expenditure at the next distribution of state funds; provided further, that the renewal of each teaching certificate shall be conditional on the completion of at least 6 semester hours of professional study within each period of 5 years, excepting that

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

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

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

It is the intent of the legislature that the formula contained in this section shall serve as a guide for the allocation of such appropriations as may be made by successive legislatures with respect to this school subsidy payment, and it is not the intent of the legislature to guarantee to the several cities and towns any more or any less than the sum total so appropriated.

Subject to the foregoing provisions of this section, the board may make such reasonable regulations as are deemed necessary for carrying out the purposes and provisions of this section. (R. S. c. 37, § 201. 1945, c. 151, § 1. 1947, c. 403, § 1. 1949, c. 349, §§ 79, 80. 1951, c. 68; c. 386, § 1. 1953, c. 235; c. 308, § 72; c. 371, § 1. 1955, cc. 70, 449.)

Effect of amendments.—The first 1955 amendment inserted the words "except substitute teachers as defined by the state commissioner of education" near the beginning of the sixth paragraph. The second 1955 amendment increased the number of classifications from nine to twenty-four and revised the table of range of

classifications and percentage allocations for fiscal years beginning July 1, 1956 and thereafter. It inserted in the second paragraph the special provisions for the fiscal years beginning July 1, 1955 and July 1, 1956 and excepted those years from the first sentence of the third paragraph.

Sec. 242. Apportionments.—All apportionments to cities, towns, plantations, community school districts, academies and institutes under the provisions of this chapter, unless specifically directed by statute, shall be made annually in December, except that whenever the commissioner is satisfied that a financial need exists, and with the approval of the treasurer of state, an amount not to exceed $\frac{2}{3}$ of the estimated subsidy may be paid on or after September 15; provided further that in the case of cities, towns, plantations or community school districts that are obligated to make payments to the Maine school building authority prior to December 1 of each year, only such subsidy apportionments may be made in advance as will leave an amount sufficient to meet their obligation to the authority under their respective lease agreements. (1945, c. 350, § 24 1949, c. 48. 1951, c. 124. 1955, c. 65.)

Effect of amendment.—The 1955 amendment added the proviso at the end of this section.

Maine School Building Authority.

Sec. 248. Powers.

XIII-A. As funds may be made available for the purpose, to supplement, on a grant basis, lease agreements with those towns where the maximum loan agreement that the authority will approve is not sufficient to finance the minimum classroom facilities needed. Determination as to eligibility shall be un-

der such rules and regulations as the authority shall make and its determination shall be final upon approval of the governor and council.

It is the intent of the legislature that grants of funds to towns under this subsection shall be made only as supplementary financial aid to those towns which cannot finance minimum needed classroom facilities within the maximum loan limit policy of the authority. Aid granted hereunder is not to be considered as establishing a precedent for granting general capital outlay funds for school construction. (1955, c. 474)

Effect of amendment.—The 1955 amendment added the above subsection XIII-A to this section. As the rest of the section was not changed, it is not set out.

Chapter 41-A.

New England Board of Higher Education.

Sec. 1. Purposes.—The several New England states cooperatively deem it feasible to provide needed, acceptable, efficient, educational facilities to meet the needs of New England in the fields of medicine, dentistry, veterinary medicine, and other fields of technical, professional and graduate training. (1955, c. 441.)

Sec. 2. Authorization; form of compact.—The governor, on behalf of this state, is hereby authorized to enter into a compact, substantially in the following form, with any one or more of the state of Connecticut, Massachusetts, New Hampshire, Rhode Island and Vermont; said compact to be effective upon the filing of a copy thereof in the office of the secretary of state.

New England Higher Education Compact.

Article I.

The purposes of the New England higher education compact shall be to provide greater educational opportunities and services through the establishment and maintenance of a co-ordinated educational program for the persons residing in the several states of New England parties to this compact, with the aim of furthering higher education in fields of medicine, dentistry, veterinary medicine, public health and in professional, technical, scientific, literary and other fields.

Article II.

There is hereby created and established a New England board of higher education hereinafter known as the board, which shall be an agency of each state party to the compact. The board shall be a body corporate and politic, having the powers, duties and jurisdiction herein enumerated and such other and additional powers as shall be conferred upon it by the concurrent act or acts of the compacting state. The board shall consist of 3 resident members from each compacting state, chosen in the manner and for the terms provided by law of the several states parties to this compact.

Article III.

This compact shall become operative immediately as to those states executing it whenever any 2 or more of the states of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island and Connecticut have executed it in the form which is in accordance with the laws of the respective compacting states.

Article IV.

The board shall annually elect from its members a chairman and vice-chairman and shall appoint and at its pleasure remove or discharge said officers. It may appoint and employ an executive secretary and may employ such stenographic,