

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1957 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

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

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1957

Chapter 41.

Department of Education.

Sections 28- 75. Duties of Administrative Units.

Sections 77- 88. School Supervisory Units.

Sections 98-111. Free High Schools.

Sections 111-A to 111-E. School District Commission.

Sections 111-F to 111-P. Organization of School Administrative Districts.

Sections 207-A to 207-I. Education of Physically Handicapped or Exceptional Children.

Section 207-J. Teachers for Mentally Retarded Children.

Sections 218-A to 218-C. Driver Education.

Sections 219-222. School Lunch and Special Milk Program.

Department of Education. Board. Commissioner.

Sec. 2. State board of education; expenses.—The board, as heretofore created, shall consist of 10 members who shall be appointed by the governor with the advice and consent of the council. The members shall serve for a term of 5 years and until their successors shall have been duly appointed and qualified. A vacancy shall be filled for the unexpired term in accordance with the provisions of the regular appointment. The members shall take the oath of office prescribed for state officers. Members of the board shall be subject to removal from office by the governor and council for cause. Members of the board shall serve without pay, other than their actual expenses while carrying out the functions of the board. (1949, c. 403, § 2. 1951, c. 155. 1957, c. 289, § 1.)

Effect of amendment. — The 1957 amendment deleted the former first two sentences and substituted the present first sentence in lieu thereof. Prior to the amendment this section provided that five of the members appointed should represent certain designated groups and organizations and set forth the manner in

which such members were to be selected.

Legislative intent.—P. L. 1957, c. 289, which amended this section, provided in section 2 of such act as follows:

"It is the intent of the legislature that this act shall in no way affect the present tenure of office of the present members of the state board of education."

Sec. 4. Commissioner of education.—The board shall appoint a commissioner of education, hereinafter in this chapter called the "commissioner" whenever a vacancy occurs and fix his salary, not to exceed \$11,250 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. 1957, c. 418, § 15.)

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

The 1957 amendment, effective July 1, 1957, inserted "hereinafter in this chapter

called the 'commissioners'," increased the maximum salary of the commissioner from \$10,000 to \$11,250, and carried appropriations for the fiscal years ending in 1958 and 1959.

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)

VIII. To furnish to the school officers of each administrative unit, 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; (1957, c. 364, § 2)

XII. To cause an inspection to be made under the direction of the board and to report to the school committee and to the board his findings and recommendations when petitioned by 60% of the parents of the children of any one school or whenever the superintending school committee, school directors or the superintendent of schools of any administrative unit, or 20% of the legal voters, shall petition him or the board to make an inspection of the schools in said unit; and to prepare a list of standards of buildings, equipment, organization and instruction, and to give such ratings upon such lists of standards to any schools that are inspected under the provisions of this subsection as their general condition, equipment and grade of efficiency may entitle them. Whenever such a petition is received by the commissioner or the board, the board may determine the extent and conditions under which an inspection shall be made; (1951, c. 266, § 53. 1953, c. 25. 1957, c. 364, § 3)

Effect of amendments. — The 1955 amendment added the paragraph appearing under subsection VII above at the end of such subsection. The 1957 amendment substituted "administrative unit" for "town" in both subsections VIII and XII, inserted "school directors" in subsection XII and substituted "board" for "state board of education" in four places in subsection XII. As the rest of the section was not changed by the amendments, only the new paragraph of subsection VII and subsections VII and XII are set out.

Sec. 11-A. Department of education designated state agency for surplus property.—The department of education is hereby designated the state agency to receive and distribute federal surplus property which may become available for distribution to eligible recipients within this state. The department is authorized and empowered to acquire, warehouse, allocate and distribute surplus government property to health and educational institutions, civil defense organizations, for educational activities of special interest to the armed services, and to any other organizations, associations or corporations who may be or who may later be designated as eligible to receive such surplus property by the congress of the United States or any federal official empowered to make such determination. The commissioner of education is authorized and empowered to enter into co-operative agreements with any duly authorized federal official to carry out the purposes of this section.

Upon transfer of surplus property to an eligible recipient, the commissioner shall charge and receive from said recipient money sufficient to cover the acquisition, warehousing, handling, administrative and delivery cost chargeable to said property. The department shall employ and assign such supervisory and clerical personnel as may be necessary to carry out the provisions of this section, subject to the provisions of the personnel law. (1957, c. 131.)

Sec. 12. Blanks for school returns.—The commissioner shall prepare and print blank forms for all 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 administrative units blanks for the annual school return as provided in section 71, and shall, on the 1st day of each May, forward to said superintendents blanks for the returns required by section 72. (R. S. c. 37, § 5. 1957, c. 364, § 4.)

Effect of amendment. — The 1957 amendment substituted "administrative units" for "towns".

Sec. 13. Supervisors.—As a means of increasing the efficiency of education, the commissioner may appoint supervisors whose duty it shall be to assist and direct elementary and secondary teachers, to work with local school officials upon request, and to perform such other duties in the field of education as the

said commissioner may direct. The salary and necessary traveling expenses of such supervisors shall be paid from an appropriation for said purpose. (R. S. c. 37, § 7. 1945, c. 48. 1951, c. 103. 1957, c. 17.)

Effect of amendment.—Prior to the 1957 amendment the commissioner was limited to four full time supervisors, who assisted rural teachers, and all of the teachers were confined to the field of general education.

Location of Schools.

Sec. 15. Schoolhouse lots by condemnation; damages; reversion to owner. — When a location for the erection or removal of a schoolhouse and requisite buildings has been legally designated by vote of the town at any town meeting called for that purpose or by the school directors of a school administrative district, 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 25 acres for any one project, 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 administrative unit designating it may take such lot to be held and used for the purposes aforesaid. When such schoolhouse lot has ceased to be used 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 or school directors of the school administrative district, subject to the right of the town or school directors to enter upon said lot and remove said schoolhouse at any time within 6 months after said demand. Any administrative unit 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. All schoolhouse lots and playgrounds that require fencing shall be fenced by the town, city or administrative district. (R. S. c. 37, § 10. 1953, c. 289. 1957, c. 364, § 5.)

Effect of amendment. — The 1957 amendment inserted all of the provisions relative to school directors of administrative districts, substituted “administrative unit” for “town” or “town or city”, inserted “or administrative district” at the end of the section, and made other minor changes.

Sec. 16. Appeal.—If the owner is aggrieved at the location of the lot or the damages awarded by the municipal officers, he may apply to the county commissioners within 6 months from the determination of such location and award of damages. The county commissioners of the county wherein such property or land is located shall constitute a board of appraisers which shall on such application meet and ascertain and determine what the location of the lot shall be, changing said location if they deem it proper, and determine the value of the property or land to be taken, make a correct return of their doings, signed by them, accompanied by an accurate plan of the land and state in their return the name of the person to whom damages are allowed, and the amount allowed. The county commissioners shall give reasonable notice to interested parties of the time and place of their meeting and afford interested parties an opportunity to be heard. Their return shall be filed with the clerk of the county commissioners and remain in the custody of their clerk for inspection, and notice thereof given to the interested parties. 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. Any interested party aggrieved by their determination of location or damages may appeal from their determination to the superior court of the county at the next regular term of said court following the date of filing of their return with their said clerk. If no such appeal is made, the proceedings shall be closed, and become effectual; all claims for damages not allowed by them be forever barred; and all

damages allowed by them be final. If an appeal be taken at the time and in the manner provided herein, the court shall determine the location, changing said location if it deems it proper, and the damages by a committee of reference if the parties so agree, or by a verdict of its jury, and shall render judgment for the location and the damages recovered, and judgment for costs in favor of the party entitled thereto. The appellant shall file notice of his appeal with the county commissioners within the time above limited, and at the first term of court shall file a complaint setting forth substantially the facts, upon which the case shall be tried like other cases. The party prevailing recovers costs to be allowed and taxed by the court, except that they shall not be recovered by the party claiming damages or change of location, but by the other party if on such appeal by either party, said claimant fails to recover a greater sum as damages than was allowed to him by the county commissioners or fails to have the location changed. The committee of reference shall be allowed a reasonable compensation for their services, to be fixed by the court upon the presentation of their report and paid from the county treasury upon the certificate of the clerk of courts. From the action of the court or on exceptions, or from any judgment after a jury trial, an appeal may be taken by any party to the supreme judicial court.

Upon final determination of the location of said lot the clerk of the town, clerk of the county commissioners or clerk of superior court, whichever one has custody of the records of the final hearing tribunal, shall cause a description of the lot and a plan thereof to be recorded in the registry of deeds for the county or registry district where the same is located. (R. S. c. 37, § 11. 1957, c. 342.)

Effect of amendment. — The 1957 amendment rewrote this section.

Sec. 17. Schoolhouse lots, erroneous location.—If any administrative unit, 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 officers of said administrative unit and have the lot, so designated or described, reappraised by them. (R. S. c. 37, § 12. 1957, c. 364, § 6.)

Effect of amendment. — The 1957 unit" for "town" and substituted "officers" amendment substituted "administrative for "selectmen".

Sec. 18. Notice of appraisement and hearing.—The selectmen of any town or the school directors of any school administrative district to whom such application as provided for in section 17 has been made shall forthwith give not less than 7 nor more than 20 days' notice to the clerk of said town or towns 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 administrative unit either by buildings or otherwise; and shall, as soon as practicable, notify the town clerk or clerks and the persons interested in said estate who had been notified of the sum at which said lot has been appraised. (R. S. c. 37, § 13. 1957, c. 364, § 7.)

Effect of amendment. — The 1957 substituted "administrative unit" for amendment inserted "or the school direc- "town" and made other minor changes. tors of any school administrative district",

Sec. 21. Appeal by either party.—If the administrative unit 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 administrative unit shall be final. (R. S. c. 37, § 16. 1957, c. 364, § 8.)

Effect of amendment. — The 1957 amendment substituted "administrative unit" for "town".

Sec. 22. Improvements inure to administrative units.—When any administrative unit 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 administrative unit and the same may be as completely occupied and controlled by such administrative unit as it would have been if such location had been in strict conformity to law. (R. S. c. 37, § 17. 1957, c. 364, § 9.)

Effect of amendment. — The 1957 amendment substituted "administrative unit" for "town".

Sec. 26. Heating, lighting and ventilating; readiness for occupancy and specifications; inspection and alterations; liability of administrative unit.—Where the plans and specifications prepared by the commissioner are not used, all superintending school committees, school building committees, school directors 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, school directors or school district trustees of the administrative unit in which it is proposed to erect, reconstruct or remodel such building. The superintending school committee, school building committee, school directors 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, school directors 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, school directors or school district trustees promptly to rectify said conditions and failure to do so shall render the administrative unit liable to the provisions of section 31. (R. S. c. 37, § 21. 1955, c. 49. 1957, c. 364, § 10.)

Effect of amendments. — 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 district trustees near the end of the first sentence. It also inserted references to

school district trustees in the second and third sentences.

The 1957 amendment made this section applicable also to school directors and substituted "administrative unit" for "town".

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 Administrative Units.

Sec. 28. Administrative units to raise money for schools; expenditure.—An administrative unit as referred to in this chapter shall include all municipal or quasi-municipal corporations responsible for operating public schools.

Every administrative unit 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 80¢ 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. All moneys provided by towns or other administrative units 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 administrative units by which said moneys are provided or to which said moneys are apportioned. Nothing in this section shall be so construed as to annul or render void the provisions made in section 33 for the establishment and maintenance of union schools by adjoining towns. (R. S. c. 37, § 23. 1957, c. 364, § 11.)

Effect of amendment.—The 1957 amendment inserted the first paragraph, and made the present second paragraph into three sentences, substituted "administrative unit" for "town" in the first sen-

tence thereof, and inserted "or other administrative units" and substituted "administrative units" for "towns" in the second sentence thereof.

Sec. 31. School funds withheld from delinquent towns or school administrative districts.—When the governor and council have reason to believe that a town or district has neglected to raise and expend the school money required by law, or to employ teachers certified as required by law, or to have instruction given in the subjects prescribed by law, or to provide suitable textbooks in the subjects prescribed by law, or faithfully to expend the school money received from the state or in any way to comply with the law prescribing the duties of administrative units in relation to public schools, they shall direct the treasurer of state to withhold from the apportionment of state school funds made to that administrative unit such amount as they may deem expedient. The amount so withheld shall not be paid until such administrative unit 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 administrative units in relation to public schools. Whenever such administrative unit 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 general fund of the state. (R. S. c. 37, § 26. 1945, c. 350, § 2. 1957, c. 364, § 12.)

Effect of amendment. — The 1957 first sentence and substituted “administrative unit” for “town” throughout the sentences, inserted “or district” in the section.

Sec. 32. Equal school privileges for all pupils.—The school moneys of every administrative unit shall be so expended as to give as nearly as practicable the same aggregate annual length of terms in all its schools, and every administrative unit shall make provision for the maintenance of all its schools for not less than 36 weeks annually. Any administrative unit 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 constitutes the school week and 4 weeks a school month. (R. S. c. 37, § 27. 1953, c. 40, § 1. 1957, c. 364, § 12-A.)

Effect of amendment. — The 1957 amendment substituted “administrative unit” for “town”.

Sec. 33. Union schools; management and authority. — 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. (R. S. c. 37, § 28. 1951, c. 178. 1957, c. 364, § 13.)

Effect of amendment. — The 1957 amendment deleted the former last paragraph of this section.

Sec. 34. Certain facilities provided; schoolbooks. — Administrative units shall provide schoolbooks, apparatus and appliances for the use of pupils in the public schools, including all free high schools, at the expense of said administrative unit as provided in section 240. Any parent or guardian of any pupil in the public schools may at his own expense procure for the separate and exclusive use of such pupil the textbooks required to be used in such schools. No second-hand books shall be purchased for the use of any school, and whoever violates this provision shall forfeit not exceeding \$500, to be recovered in an action of debt by any school officer or person aggrieved.

Administrative units shall also pay for the necessary repairs of school buildings and the improvement and maintenance of school yards and playgrounds out of a sum or sums of money raised and appropriated for that purpose, which shall be assessed like other money and shall be in addition to and independent of the amount which administrative units are required by law to raise, assess and expend for the support of schools as provided in section 240. (R. S. c. 37, § 29. 1953, c. 204, § 1. 1957, c. 364, § 14.)

Effect of amendment. — The 1957 units” for “towns” and made other minor amendment substituted “administrative changes.

Sec. 36. Liability for injuring books or appliances.—When a pupil in the public schools loses, destroys or unnecessarily injures any schoolbook furnished under the provisions of section 35 or appliance furnished such pupil at the expense of said administrative unit, his parent or guardian shall be notified, and if the loss or damage is not made good to the satisfaction of the school committee or school directors within a reasonable time, they shall report the case to the assessors of the town in which he resides, 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. (R. S. c. 37, § 31. 1957, c. 364, § 15.)

Effect of amendment. — The 1957 amendment substituted "section 35" for "the preceding section", substituted "administrative unit" for "town", inserted "or school directors" and inserted "of the town in which he resides" following the word "assessors".

Sec. 37. Money raised for evening schools, day schools, classes and educational activities for adults.—Any administrative unit 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 or school directors. (R. S. c. 37, § 32. 1955, c. 455, § 1. 1957, c. 364, § 16.)

Effect of amendments. — The 1955 amendment inserted the words "day schools, classes and educational activities" and the words "who are not in attendance at another public school." The 1957 amendment substituted "administrative unit" for "city or town" and added "or school directors" at the end of the section.

Sec. 38. Industrial or mechanical drawing.—Any administrative unit 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 or school directors. (R. S. c. 37, § 33. 1957, c. 168; c. 364, § 17.)

Editor's note.—Although this section was repealed by P. L. 1957, c. 168, it was amended and reenacted by P. L. 1957, c. 364, § 17. Such amendment substituted "administrative unit" for "city or town" and added "or school directors" at the end of the section. This section is set out above as amended by the latest 1957 act.

Sec. 39. Manual training schools.—Any administrative unit 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. (R. S. c. 37, § 34. 1957, c. 168; c. 364, § 18.)

Editor's note.—Although this section was repealed by P. L. 1957, c. 169, it was amended and reenacted by P. L. 1957, c. 364, § 18. Such amendment substituted "administrative unit" for "city or town". This section is set out above as amended by the latest 1957 act.

Sec. 40. Schools under direction of committee; rules and regulations.—The schools referred to in sections 37 to 39, inclusive, shall be under the control, direction and supervision of the superintending school committee or school directors and shall admit such persons between the ages of 6 and 21 years and shall give such courses of instruction as said committee may determine. Pupils in such schools shall be subject to the same conditions, rules and regulations as are provided for public schools. (R. S. c. 37, § 35. 1957, c. 364, § 19.)

Effect of amendment. — The 1957 amendment inserted "or school directors".

Sec. 41. Scholars at light stations.—Persons between the ages of 5 and 21 years living at any light station, fog warning station or lifesaving 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 administrative unit in which they attend school. (R. S. c. 37, § 36. 1957, c. 364, § 19-A.)

Effect of amendment. — The 1957 amendment made this section into two sentences and substituted "administrative unit" for "town".

Sec. 42. Schooling for children of parents with temporary residence; jurisdiction. — In order to facilitate the education of children whose parents find it necessary, in the pursuit of their occupations, to move from place to place and whose children reside with them in such temporary residence, it is provided that the children of such person or persons shall be under the jurisdiction of the administrative units, or the commissioner if domicile is in unorganized territory, in which the parent has temporary residence and shall be subject to the school attendance laws and to the rules and regulations of the administrative units or the commissioner in which they with the parent have temporary residence. This does not interfere with the free school privileges of such children in the administrative units of the permanent residence of the parent. (R. S. c. 37, § 37. 1949, c. 199, § 2. 1957, c. 364, § 20.)

Effect of amendment. — The 1957 amendment substituted "administrative units" for "towns and plantations" and made a former proviso into a separate sentence.

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 or school directors, 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. 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 administrative units for such expenses, the same to be paid annually in December from the department appropriation for the purpose. The commissioner is authorized to make similar provisions for the transportation of any children who reside with a parent on state owned property located in towns of less than 100 inhabitants. (R. S. c. 37, § 38. 1951, c. 369. 1955, c. 69. 1957, c. 364, § 21; c. 377, § 1-A.)

Effect of amendments. — 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 present second sentence.

The first 1957 amendment made the former proviso of the first sentence into a separate sentence, inserted "or school directors", and substituted "administrative units" for "towns and plantations". The second 1957 amendment deleted "and in which conveyance for no other pupils

is being provided by the town" which formerly appeared at the end of the section.

Editor's note.—P. L. 1957, c. 377, which amended this section, provided in § 3 thereof as follows: "In addition to any sums which may be appropriated by the legislature for the fiscal years 1957-58 and 1958-59 for the purposes of this act there is hereby appropriated from the general fund the sum of \$3,878 for fiscal year ending June 30, 1958 and \$3,878 for fiscal year ending June 30, 1959 to carry out the purposes of this act."

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 July 1, 1956 shall be allowed to continue regular advancement notwithstanding the provisions of this section.

Subject to the provisions of this section and subject to such reasonable regulations as the superintending school committee or school directors 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 administrative unit in which his parent or guardian has residence. Residence as used in this section shall mean the administrative unit where the father maintains a home for his family. If the parents of the child are separated, residency shall be considered to be the administrative unit 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. 1957, c. 364, § 22.)

Effect of amendments.—The first 1955 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 paragraph. The second 1955 amendment, effective July 1, 1956, rewrote this section, incorporating the changes made by the first amendment.

The 1957 amendment substituted "July 1, 1956" for "the effective date of this act" and substituted "section" for "act" in the third paragraph, inserted "or school directors" and substituted "administrative unit" for "town" or "city or town" in the last paragraph, and made other minor changes.

Sec. 45. Superintending school committee.—Every town not included in a school administrative district shall choose by ballot at its annual meeting a superintending school committee of 3, to hold office as provided in section 46, and shall fill vacancies arising therein at each subsequent annual meeting. (R. S. c. 37, § 41. 1957, c. 364, § 22-A.)

Effect of amendment.—The 1957 amendment inserted "not included in a school administrative district" and substituted "section 46" for "the following section."

Sec. 46. Terms; vacancies; restrictions.—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 such 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 hereinafter 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. (R. S. c. 37, § 42. 1957, c. 364, § 23.)

Effect of amendment.—The 1957 amendment inserted the word "such" in the third sentence.

Sec. 49. Committee to serve without pay.—Superintending school committees shall serve without pay unless otherwise voted by the town under the provisions of subsection II of section 237-C. (R. S. c. 37, § 45. 1953, c. 204, § 2. 1957, c. 364, § 24.)

Effect of amendment.—The 1957 amendment substituted "subsection II of section 237-C" for "section 240".

Sec. 50. Clean and sanitary toilets.—In order to safeguard the health and morals of the children of the state, administrative units shall from their

regular appropriations for schoolhouse repairs or from special appropriations for the purpose of sections 50 to 53, 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. (R. S. c. 37, § 46. 1957, c. 364, § 25.)

Effect of amendment. — The 1957 amendment substituted "administrative units" for "towns".

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.

Sec. 54. Duties.—Superintending school committees and school directors 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 administrative units.

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

III. They shall make provisions 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.

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.

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.

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 administrative unit, may attend school in the administrative unit.

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

IX. For the purpose of increasing the efficiency of the public schools of the state, superintending school committees, boards of education and school directors 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 one 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 contracts or on tenure of service and who hold the legal qualifications necessary for such positions. (R. S. c. 37, § 50. 1957, c. 364, § 26.)

Effect of amendment. — The 1957 "administrative units" for "towns" in sub-amendment made this section applicable section I and "administrative unit" for also to school directors and substituted "town" in subsection VII.

Sec. 55. Chest X-ray certificate. — On or before December 1st, biennially, except that for those persons in whom the disease is arrested the examination shall be annually, all superintendents of schools, supervisors, teachers, school nurses, janitors, school bus drivers and persons employed in the preparation of school lunches shall file with the superintending school committee or school directors a certificate that such employee has had a chest X-ray performed and interpreted as showing no significant evidence of tuberculosis by persons recognized as skilled and experienced in such performance and interpretation. No person whose X-ray examination shows active tuberculosis shall be employed in any school or continued in employment while having such active disease. So far as practicable the existing state facilities, including the state sanatoria, shall be made available to such employees for such X-rays. The cost of such examination shall be borne by the employee. If done by the state, there shall be no charge for the service except for the actual cost of materials used. Said certificates shall be kept on file in the office of the superintendent of schools or in the office of the head of the private school. The provisions of this section shall apply to both public and private schools and to all grades common to the public school system. Provided, however, that a certificate stating that a standard intradermal tuberculin test has been performed and found to be "negative" by a licensed physician may be substituted for X-ray examination. (1945, c. 341. 1947, c. 367. 1951, c. 266, § 55. 1957, c. 364, § 26-A.)

Effect of amendment. — The 1957 amendment inserted "or school directors" in the first sentence.

Sec. 56. Secret societies.—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 and school directors shall enforce the provisions of this section and may expel or otherwise discipline any pupil for failure or refusal to comply with its provisions. (R. S. c. 37, § 51. 1957, c. 364, § 27.)

Effect of amendment. — The 1957 amendment inserted "and school directors".

Sec. 57. School physicians. — The superintending school committee or school directors of every administrative unit 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 administrative unit, and shall provide them with all proper facilities for the performance of their duties as prescribed in sections 57 to 65, inclusive, provided in the case of cities or towns 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. (R. S. c. 37, § 52. 1957, c. 364, § 28.)

Effect of amendment. — The 1957 administrative unit" for "city or town", inserted amendment made this section applicable "in the case of cities or towns" in the to "school directors", substituted "admin- proviso, and made other minor changes.

Sec. 60. Examination of pupils after absence on account of sickness.—The superintending school committee or school directors 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 or school directors may make such other arrangements as may best carry out the purposes of sections 57 to 64, inclusive. (R. S. c. 37, § 55. 1957, c. 364, § 29.)

Effect of amendment. — The 1957 amendment made this section applicable also to school directors.

Sec. 61. Notice of disease or defects.—The superintending school committee or school directors 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, chickenpox, tuberculosis, diphtheria or influenza, tonsilitis, whoopingcough, 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. (R. S. c. 37, § 56. 1957, c. 364, § 30.)

Effect of amendment. — The 1957 amendment inserted "or school directors" in the first sentence.

Sec. 62. Examination of sight and hearing; notice of defect or disability to parent or guardian.—The superintending school committee or school directors of administrative units 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 or school directors 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. (R. S. c. 37, § 57. 1957, c. 364, § 31.)

Effect of amendment. — The 1957 administrative units" for "every city or amendment made this section applicable town". to school directors and substituted "ad-

Sec. 63. Directions for tests prescribed.—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 and school directors suitable rules of instruction, test cards, blanks, record books and other useful appliances for carrying out the purposes of sections 57 to 62, inclusive. (R. S. c. 37, § 58. 1957, c. 364, § 32.)

Effect of amendment. — The 1957 amendment inserted "and school directors" and substituted "sections 57 to 62, inclusive" for "the 6 preceding sections".

Sec. 66. School register.—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 year, the teacher's wages, a list of textbooks 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 or school directors 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 or directors may determine, but no teacher shall receive final payment for services for any term until the register, properly filled, completed and signed, is deposited with the school committee or school directors or with the person designated by either of them to receive it. (R. S. c. 37, § 61. 1957, c. 364, § 33.)

Effect of amendment. — The 1957 amendment made this section applicable also to school directors.

Sec. 71. Return to commissioner.—Each superintendent of schools shall annually on April 1st make returns to the commissioner of the number of residents of the state enrolled in elementary and secondary schools in the administrative unit or units under his jurisdiction. (R. S. c. 37, § 63. 1945, c. 330, § 2. 1957, c. 364, § 34.)

Effect of amendment. — The 1957 amendment substituted "administrative unit or units" for "towns".

Sec. 72. Annual return of statistics.—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 administrative unit that shall fail through its school officers to make the return required by this section shall be liable to the provisions of section 31. (R. S. c. 37, § 64. 1957, c. 364, § 35.)

Effect of amendment. — The 1957 amendment substituted "administrative unit" for "town".

Sec. 73. Flags in schools.—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 or school directors the amount necessary to furnish the public schools with suitable flags and flagstuffs, and all administrative units shall annually appropriate, under the provisions of subsection II of section 237-C, a sufficient amount to defray the necessary cost of the display of the flag. 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. (R. S. c. 37, § 65. 1953, c. 204, § 4. 1957, c. 364, § 36.)

Effect of amendment. — The 1957 amendment substituted "administrative units" for "towns" and substituted "or school directors" for "towns" in subsection II of section 237-C in the second sentence, substituted "all C" for "section 240" in such sentence.

School Supervisory Units.

Sec. 77. Unions for supervision.—It shall be the duty of the commissioner and state board of education to adjust the grouping of school administrative units within the state in accordance with the following:

I. Existing supervisory unions employing over 35 teachers and paying the superintendent of schools an annual salary of over \$4,500 shall not be regrouped unless the proposed regrouping shall have first been approved by a majority of the school committee members in the administrative units involved.

II. Supervisory unions 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.

III. On presentation of a written plan of organization which has been approved by the superintending school committees of the towns involved, the commissioner and the state board of education are authorized to combine 2 or more school unions, or parts thereof, into a larger supervisory unit administered by a superintendent of schools and staff assistants, who may be employed by the joint committee as provided in section 79, and the commissioner shall have authority to adjust disbursements for supervision so that there will be no loss in state support because of the reorganization.

IV. Where school administrative districts or community school districts exist and they employ less than 35 teachers the commissioner and state board of education may order the combination of any type of administrative units to form a supervisory unit if such combination as is proposed is approved by the school committees, community school committees and school directors involved. (R. S. c. 37, § 68. 1947, c. 240. 1949, c. 403, § 3; c. 412. 1951, c. 266, § 56. 1953, c. 227. 1957, c. 364, § 37.)

Effect of amendment. — The 1957 amendment rewrote this section.

Sec. 78. Supervision in school administrative districts.—The school directors of a school administrative district, upon notification by the commissioner shall meet annually during the month of December, of the year preceding the expiration date of the superintendent's contract, at a day and place determined by the chairman. At said meeting or as soon thereafter as possible, and whenever a vacancy shall occur the school directors shall subject to the conditions hereinafter provided, choose by ballot a superintendent of schools for a term of not more than 5 years. The term for which a superintendent of schools is elected shall, in all cases, end on the 30th day of June of the year in which the contract expires. In case the school directors 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.

Said directors, by a majority vote of their 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 directors to the commissioner for a public hearing.

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

board of school directors which elects said superintendent. (R. S. c. 37, § 69. 1957, c. 364, § 38.)

Effect of amendment. — The 1957 amendment rewrote this section.

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, 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 any administrative units authorized by other or 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. 1957, c. 364, § 39.)

Effect of amendments. — 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.

The 1957 amendment substituted "any administrative units" for "cities, nor to towns" and inserted "other or" preceding "special laws" in the last sentence.

Sec. 80. Annual return; appropriation; expenses.—The chairman and secretary of the joint committee or school directors of the school administrative

district, provided for in other sections, shall, upon the election of a superintendent of schools as provided by the preceding sections, certify under oath to the commissioner, upon the forms prescribed by him, all facts relative to said union or district and employment of a superintendent. 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 comprising school unions a sum equal to the aggregate sum paid by the towns comprising the union. The amount so paid for the benefit of a single union of towns shall not exceed \$1,350 in one year nor shall any school union receive less than \$1,150 per year. The commissioner annually shall cause an investigation to be made of the conditions of supervision in unions of towns, including the relative financial support for supervision by the several supervisory units, the relative distances required to be traveled, and the relative amounts of expenses to be paid by superintendents of schools directly in connection with the supervision and administration of schools in supervisory units. When it appears to the commissioner that the efficiency of supervision in any supervisory unit is or may be lessened because of the financial burden to administrative units, expenses for travel and other purposes required to be paid by the superintendent of such supervisory unit 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 on the approval of said recommendation, the state controller upon the approval of the governor and council may draw a warrant for payment out of the sum appropriated for superintendence in favor of the superintendent or superintendents of schools employed in said supervisory unit within the school year ending June 30th immediately preceding. The amount so paid for the benefit of a single supervisory unit shall not exceed \$350 annually and shall be in addition to other payments made to said superintendent as provided in this section, and the amount so available for the equalization of such expenses shall not exceed 1/5 of the appropriation for superintendence. (R. S. c. 37, § 71. 1945, c. 350, § 4. 1947, c. 404. 1949, c. 349, § 71. 1951, c. 266, § 57. 1957, c. 364, § 40.)

Effect of amendment. — The 1957 amendment made this section applicable to administrative districts, and to administrative and supervisory units in lieu of town and school unions.

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 administrative units 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. 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 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. 1957, c. 364, § 41.)

Effect of amendments. — The 1955 amendment substituted “\$1,350” for “\$1,500” near the end of the last sentence. The 1957 amendment substituted “administrative units” for “cities or towns” and made the former third sentence into two sentences.

The 1957 amendment substituted “ad-

Sec. 84. Appropriation for salary of superintendent.—Administrative units shall appropriate for the salary of the superintendent of schools their proportion of the sum paid said superintendent to the amount certified by the joint committee to the town treasurer, and said proportion to be paid by any town shall be paid out of the appropriation made for the support or maintenance of public schools or high schools as provided under section 240. (R. S. c. 37, § 75. 1953, c. 204, § 5. 1957, c. 364, § 42.)

Effect of amendment. — The 1957 amendment substituted “administrative units” for “towns”.

Sec. 85. Conference of instruction held.—The commissioner shall annually hold a conference for the instruction of superintendents serving under the provisions of sections 77 to 84, inclusive. He may expend out of the appropriation for superintendence an amount sufficient to defray the mileage expenses of such superintendents, but no superintendent shall be entitled to any part of such expenses unless he shall regularly attend all sessions of such conference. (R. S. c. 37, § 76. 1945, c. 45, § 2; c. 378, § 35. 1957, c. 364, § 43.)

Effect of amendment. — The 1957 amendment substituted “sections 77 to 84, inclusive” for “the 8 preceding sections”, deleted “of towns comprising school un-ions” following the word “superintendence”, and made other minor changes.

Sec. 86. Regulations under which certificates issued.—Persons employed to serve as superintendents of schools shall hold state certificates of superintendence grade which shall be issued under such regulations as may be prescribed by the commissioner. (R. S. c. 37, § 77. 1957, c. 364, § 44.)

Effect of amendment. — The 1957 amendment deleted a former reference to sections 79 to 81.

Sec. 87. Powers and duties of superintendents.—A superintendent of schools shall have the following powers and duties:

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

II. Auditor; vouchers to be approved. 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 or directors 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 or in school administrative districts unless they shall have been approved by a majority of the school directors or a finance committee of that board selected by them.

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. He shall make a written report annually 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 or directors, 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.

V. Shall nominate teachers; election to be approved by committee; probationary period; teachers may be elected under contract. He shall nominate all teachers subject to such regulations governing salaries and the qualifications of teachers as the superintending school committee or school directors shall make, and upon the approval of nominations by said committee or directors, he may employ teachers so nominated and approved for such terms as he may deem proper, subject to the approval of the school committee or school directors. Except that after a probationary period of not to exceed 3 years, subsequent contracts of duly certified teachers shall be for not less than 2 years, and unless a duly certified teacher receives written notice to the contrary at least 6 months before the terminal date of the contract, the contract shall be extended automatically for one year and similarly in subsequent years, although the right to an extension for a longer period of time through a new contract is specifically reserved to the contracting parties. The right to terminate a contract, after due notice of 90 days, is reserved to the superintending school committee or school directors when changes in local conditions warrant the elimination of the teaching position for which the contract was made. In case the superintendent of schools and the superintending school committee or school directors fail to legally elect a teacher, the commissioner shall have authority to appoint a substitute teacher who shall serve until such election is made. (1951, c. 203. 1957, c. 364, § 45)

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

VII. Shall select and purchase textbooks on approval of committee. He shall select textbooks, supplies and apparatus subject to the approval of the superintending school committee or school directors and shall make all purchases of the same under such regulations as the superintending school committee or school directors 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 or school directors.

X. Shall devote entire time to superintendence. He shall devote his entire time to superintendence in the towns comprising the union or school administrative district. He may, without violation of the provisions of this section, perform such educational service outside of the towns of his union or school administrative district as may be performed with the approval of the commissioner and with the consent of the committee or directors employing him. (R. S. c. 37, § 78. 1951, c. 203. 1957, c. 364, § 45.)

Effect of amendment. — The 1957 school administrative districts and units, amendment made this section applicable and made other minor changes. to boards of school directors and to

Sec. 88. Appropriation of amount required for public school purposes; forfeiture for violation.—If any part of the money raised by the administrative unit or union of towns, or paid to them by the state for superintendence, is expended for any other purposes than those provided for in sections 80 and 81, 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. No administrative unit 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 administrative unit or union of towns. (R. S. c. 37, § 79. 1953, c. 204, § 6. 1957, c. 364, § 46.)

Effect of amendment. — The 1957 amendment substituted "administrative unit" for "town" or "towns".

Compulsory Education.

Sec. 89. By-laws concerning truants; approval.—Administrative units 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. Such by-laws must be first approved by a justice of the superior court. (R. S. c. 37, § 80. 1957, c. 364, § 47.)

Effect of amendment. — The 1957 units" for "towns" and made this section amendment substituted "administrative into two sentences.

Sec. 92. Compulsory education; neglect; subnormal child. — 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. Necessary absence may be excused by the superintending school committee, school directors or superintendent of schools or teachers acting by the direction of either. 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 or the school directors with the approval of the commissioner. 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 administrative unit in which said children reside. The superintending school committee or school directors 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. A child between the ages of 15 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 nonhazardous occupations. (R. S. c. 37, § 83. 1947, c. 150, § 2. 1957, c. 364, § 48.)

Effect of amendment. — The 1957 amendment made the former first sentence into five sentences and the former second sentence into two sentences, made the section applicable also to school directors and substituted "administrative unit" for "town".

Sec. 93. Children to attend school in adjoining town; tuition.—Children living remote from any public school in an administrative unit in which they reside may be allowed to attend the public schools, other than a high school ap-

proved as provided in section 107, in an adjoining administrative unit, under such regulations and on such terms as the school committees or school directors of said administrative units agree upon and prescribe, and the school committee or school directors of the administrative unit in which such children reside shall pay the sum agreed upon out of the appropriations of money raised in said administrative unit for school purposes. Except as above provided, a child may attend a public elementary school in an administrative unit other than the administrative unit where he lives with his parent as defined in section 44, after having obtained the consent of the superintending school committee or school directors of such administrative unit, 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. 1957, c. 364, § 49.)

Effect of amendments. — The 1955 administrative unit" for "town" and in amendment rewrote the second sentence. inserted "or school directors" throughout The 1957 amendment substituted "ad- this section.

Sec. 94. Attendance officers; authority and duties; vacancies; neglect of duty.—The superintending school committee or school directors of every administrative unit 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 92 and ascertain the reasons therefor and shall promptly report the same to the superintending school committee or school directors. Such attendance officers or any of them shall, when so directed by the school committee, school directors 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. 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. Such officers shall enforce the provisions of sections 232 to 234, inclusive. Attendance officers, when so directed in writing by the superintendent of schools or the superintending school committee or the school directors of their respective administrative units, may visit the manufacturing, mechanical, mercantile and other business establishments in their several administrative units during the hours in which the public schools of such administrative unit 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 or school directors of their administrative unit. If any minors are employed contrary to the provisions of chapter 30, 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 30. Superintending school committees or school directors shall elect attendance officers at their first meeting after the annual election; they shall fill any vacancies occurring during the year and they may fix the compensation of said officers, and said compensations shall be paid from the appropriation made for the salaries of attendance officers under section 240. 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 administrative unit failing through its superintending school committee or school directors to meet said provisions shall be liable to the provisions of section 31. (R. S. c. 37, § 85. 1953, c. 204, § 7. 1957, c. 364, § 50.)

Effect of amendment. — The 1957 second sentence into two sentences, made amendment made the former first sentence into four sentences and the former substituted "administrative unit" for "city

and town" throughout the section, and meeting of town" in the next to the last substituted "annual election" for "annual sentence.

Sec. 95. Habitual truant; complaint.—If a child without sufficient excuse is habitually and willfully 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 superintendent of schools, the superintending school committee or the school directors shall notify him and any person under whose control he may be that, unless he conforms to section 92, the provisions of sections 96 and 97 will be enforced against them. If thereafter such child continues irregular in attendance, the attendance officers or any of them shall, when so directed by the superintending school committee, the school directors or superintendent, in writing, enforce said provisions by complaint. (R. S. c. 37, § 86. 1949, c. 49. 1957, c. 364, § 51.)

Effect of amendment. — The 1957 school directors and substituted "sections amendment made this section into two 96 and 97" for "the 2 following sections". sentences, inserted the references to

Sec. 97. Habitual truants committed to state institutions; warrants.—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 92, 94 and 96. 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 92, 94 and 96, may be directed to and executed by the attendance officer or either of the attendance officers of the administrative unit where the offense is committed. All fines collected under sections 94 and 96 shall be paid to the treasurer of the administrative unit in which the offense is committed, for the support of the public schools therein. (R. S. c. 37, § 88. 1957, c. 364, § 52.)

Effect of amendment. — The 1957 and also substituted "sections 94 and 96" amendment substituted "administrative for "said 2 last named sections" in the unit" for "town" and for "city or town", last sentence.

Free High Schools.

Sec. 98. Classification of high schools.—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 one 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 administrative unit 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 one approved course of study through at least 2 years of 36 weeks and of standard grade, together with approved equipment; provided the administrative unit 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. 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. 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. (R. S. c. 37, § 89. 1955, c. 369, § 1. 1957, c. 364, § 53.)

Effect of amendments.—P. L. 1955, c. 369, § 1, which will become effective July 1, 1960, and which is not given effect in the section as set out above, amended this section to read as follows:

"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.

Sec. 99. Administrative units not obliged to pay tuition; exception.

—An administrative unit maintaining a class A high school as defined in section 98 shall not be required to pay tuition except as provided by section 107. An administrative unit maintaining a class B or junior high 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. 1957, c. 364, § 54.)

Effect of amendments.—P. L. 1955, c. 369, § 2, which will become effective July 1, 1960, and which is not given effect in the section as set out above, amended this section to read as follows:

"Sec. 99. Towns not obligated to pay tuition; exception. A town or union maintaining an approved secondary school as defined in section 98 shall not be re-

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."

The 1957 amendment inserted "administrative unit" for "town or union" and made other minor changes in this section. Such amendment is given effect in the section as set out above.

quired 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."

The 1957 amendment substituted "an administrative unit" for "a town or union". Such amendment is given effect in the section as set out above.

Sec. 100. Schools inspected.—All schools of secondary grade receiving state aid shall be inspected under the direction of the commissioner and the ex-

pense 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. 101. Free high schools; conveyance or board; gifts, bequests and funds surrendered by academies; state aid; misapplication of money.—Any administrative unit except school administrative districts 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 administrative units may unite in establishing and maintaining a free high school and both shall receive the same state aid as if such school had been maintained by one town. Any administrative unit may, in addition to the sums raised for 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. In cases of pupils who reside on islands within administrative units and on which there is no secondary school and from which regular transportation lines are established and in operation, said administrative units shall pay transportation charges of said children. Such transportation shall be over regular lines, at not to exceed regular fares and no subsidy. Transportation lines shall have the privilege of establishing such school fares, not to exceed the regular fares, as may be agreed upon by the officials of said transportation lines and the school directors or school committee of the administrative unit of which said islands are a part. Administrative units 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. Any administrative unit 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 administrative unit 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, 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 administrative unit by any inhabitant thereof. No administrative unit 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 administrative unit. (R. S. c. 37, § 92. 1957, c. 364, § 55.)

Effect of amendment. — The 1957 amendment substituted “administrative unit except school administrative districts” for “town” at the beginning of this section, substituted “administrative units” for “towns” or “towns and cities” throughout the section, substituted “school directors” for “school board” and made other minor changes.

Sec. 102. Course of study; schools free to youth in any town or union of towns; admission of pupils from without towns.—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 or school directors having supervision thereof. Such schools, when established by any administrative unit, shall be free to all the youth in such administrative units who have such scholastic attainments as will fit them to attend such schools with profit, and the superintendent,

superintending school committee or school directors 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 or school directors 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 or directors, to the treasurer of the administrative unit in which the school is located. (R. S. c. 37, § 93. 1957, c. 364, § 56.)

Effect of amendment. — The 1957 amendment inserted the provisions as to school directors and substituted “adminis-

trative unit” for “town or union of towns” and made other minor changes.

Sec. 103. Free high schools subject to school laws; management and supervision. — Free high schools, established and maintained under the provisions of sections 98 to 102, inclusive, are subject to the laws relating to public schools, so far as applicable, except as otherwise provided. When established and maintained by an administrative unit, they shall be under the supervision and entire management of the superintending school committee or school directors of such administrative unit. 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. (R. S. c. 37, § 94. 1957, c. 364, § 57.)

Effect of amendment. — The 1957 amendment substituted “administrative unit” for “town” and inserted “or school directors”.

Sec. 104. Free high schools maintained by administrative units. — Administrative units 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. (R. S. c. 37, § 95. 1957, c. 364, § 58.)

Effect of amendment. — The 1957 amendment substituted “administrative units” for “towns”.

Sec. 105. Pupils in administrative units having no free high schools. — Any administrative unit 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 or school directors of any nearby administrative unit, or the trustees of any academy located within such town or in any nearby town or towns, for the schooling of all or part of the pupils within said administrative unit in the studies contemplated by section 98. The school directors of any school administrative district may enter into similar contracts. 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 or school directors. Such joint committee shall consist of the superintending school committee or school directors of said administrative unit 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 administrative unit in which the academy is located shall be a 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 an administrative unit has made a contract as provided for in this section, or as provided in the act of incorporation

of any such academy and amendments thereto prior to May 1st, 1907, the tuition liability of said administrative unit shall be the same as if a free high school were maintained in accordance with section 98, and the expenditure of any administrative unit for schooling of pupils as provided in this section shall be subject to the conditions of sections 107 and 108 for the purposes of state subsidy to the administrative unit under the provisions of section 237. (R. S. c. 37, § 96. 1945, c. 216; c. 321, § 1. 1951, c. 393, § 1. 1953, c. 185. 1955, c. 233, § 1; c. 369, § 4, 1957, c. 142, § 3; c. 364, § 59.)

Effect of amendments.—This section was twice amended by the Public Laws of 1955. Chapter 233, § 1, which is 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. Chapter 369, § 4, which will become effective July 1, 1960, and which is not given effect in the section as set out above, amended the section to read as follows:

“Sec. 105. Pupils in towns having no free high schools. 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 academy; 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.”

This section was twice amended by the Public Laws of 1957. Chapter 142, § 3, inserted the words “all or part of the” preceding the word “pupils” near the end of the first sentence. Chapter 364, § 59, substituted “administrative unit” for “town” throughout this section, inserted all of the provisions as to school directors, and substituted “administrative unit” for “municipality or community school district” near the end of the section. Both 1957 amendments have been given effect in the section as set out above.

Sec. 106. State aid.—No administrative unit shall receive state aid under the provisions of section 105 if a free high school of standard grade is maintained in such administrative unit. (R. S. c. 37, § 97. 1955, c. 369, § 5. 1957, c. 364, § 60.)

Effect of amendments.—P. L. 1955, c. 369, § 5, which will become effective July 1, 1960, and which is not given effect in the section as set out above, amended this section to read as follows:

“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.”

The 1957 amendment substituted “administrative unit” for “town”. Such amendment is given effect in the section as set out above.

Sec. 107. A youth residing in an administrative unit 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 administrative unit 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. When an administrative unit not maintaining a secondary school has authorized its superintending school committee to contract, or the school directors have decided to contract as provided for in section 105, with the trustees, superintending school committees or school directors of 2 schools, and when the officials of one of these schools refuse to enter a contract, then the superintending school committee or school directors may authorize pupils residing within said administrative unit to attend that noncontracting school and may pay the trustees, superintending school committee or school directors of the receiving school the legal tuition charge thereof. Any youth who resides with a parent or guardian in an administrative unit that maintains, or contracts for school privileges in, an approved secondary school which offers less than 2 approved occupational courses of study, and whose qualifications for such training are approved by the superintending school committee or school directors of the administrative unit, 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 administrative unit 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 administrative unit in which said youth resides 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 administrative unit or academy receiving the same. Administrative units shall raise annually, as other school moneys are raised, a sum sufficient to pay such tuition charges. 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 administrative unit 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 98, shall be entitled to his free tuition, for the completion of the 4 years of a standard secondary course without the examination prescribed. 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 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 textbooks, ap-

paratus and appliances used by said pupils, subject to the provisions of sections 34 to 36, inclusive.

In the case of any youth qualified for attendance at secondary school in accordance with the preceding paragraph, who resides with his parents, legal guardian or person acting in loco parentis, on a Maine coast island without highway connection with the mainland in any administrative unit not maintaining a standard grade high school, so located that in the judgment of the commissioner attendance at secondary school necessitates boarding away from home and the arrangement is approved by him in advance upon a form provided for the purpose, the administrative unit wherein said pupil resides shall pay an amount for this purpose toward his board not to exceed \$353 for the school year or a prorated amount for any fraction thereof. Payment for said board shall be made, upon receipt of a satisfactory attendance record, at the end of periods not longer than one school month and shall be charged to the same account as that of secondary school tuition.

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. 1957, c. 364, § 61; c. 377, § 1.)

Effect of amendments. — This section was twice amended by the Public Laws of 1955. Chapter 252, which is given effect in the section as set out above, added the last paragraph. Chapter 369, § 6, which will become effective July 1, 1960, and which is not given effect in the section as set out above, amended this section to read as follows:

"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 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 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 longer than 1 school month and shall be charged to the same account as that of secondary school tuition."

This section was twice amended by the Public Laws of 1957. Chapter 364, § 61, substituted "administrative unit" for "town" throughout this section, inserted the provisions as to school directors, and made other minor changes. Chapter 377, § 1, substituted \$353 for \$180 in the third paragraph. Both 1957 amendments have been given effect in the section as set out above.

Editor's note.—P. L. 1957, c. 377, which amended this section, provided in § 3 thereof as follows: "In addition to any sums which may be appropriated by the legislature for the fiscal years 1957-58 and 1958-59 for the purposes of this act there is hereby appropriated from the general fund the sum of \$3,878 for fiscal year ending June 30, 1958 and \$3,878 for fiscal year ending June 30, 1959 to carry out the purposes of this act."

Sec. 108. Reimbursement to administrative units for tuition and board for pupils attending secondary schools.—When any administrative unit shall have been required to pay and has paid tuition for pupils attending secondary schools, as provided by section 107, the superintendent of schools of such administrative unit 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 administrative unit for each and the name and location of the school which each has attended. Tuition charges for each pupil may be paid by administrative units to an amount not exceeding the receiving school's average cost per pupil for the fiscal year preceding that for which the tuition is paid; except that payments in excess of said average cost may be made by vote of the sending administrative unit, but such payment by an administrative unit for any pupil for any one year shall be subject to the limitations of section 107. The average cost per pupil shall be determined as follows: (1) Add the amounts paid for certified or li-

censed teachers' salaries, fuel, janitor service, textbooks, supplies, utility services, premiums paid on insurance and 6% of the insured value of the school buildings and equipment (2) divide the total by the average daily membership of all regularly enrolled students. Any administrative unit not maintaining a high school may pay tuition for any student who with parents or guardian resides in said administrative unit and who attends an approved school of secondary grade in an administrative unit adjacent to the state of Maine in another state, when distance and transportation facilities make attendance in a Maine high school or academy inexpedient; or who attends an approved school of secondary grade in another state when said school specializes in the correction of physical defects and when by reason of a physical disability the individual requires a specialized type of training available in said school but not obtainable in any approved secondary school in the state of Maine.

When pupils are sent from one administrative unit to an approved secondary school in another, if any accounts for tuition of such pupils 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 treasurer of the receiving administrative unit, academy, institute or seminary 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 administrative unit.

When any administrative unit shall have been required to pay and has paid board for a youth or youths attending secondary school in accordance with the provisions of section 107, the superintendent of schools of such administrative unit shall make a return under oath to the commissioner on a form provided for the purpose before the 1st day of September, annually, for the preceding school year, stating the name and exact residence of each youth for whom board has been paid, the amount paid by the administrative unit 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 administrative unit a sum equal to $\frac{1}{2}$ the amount thus paid by such administrative unit. (R. S. c. 37, § 99. 1945, c. 93; c. 120, § 2; c. 199; c. 378, § 36. 1947, c. 400, § 2; c. 401. 1949, c. 443, § 2. 1951, c. 393, § 3. 1953, c. 21, § 2. 1957, c. 364, § 62; c. 377, § 2.)

Effect of amendments.—The first 1957 amendment substituted "administrative unit" for "town" and for "city, town or plantation" throughout this section and made other minor changes. The second 1957 amendment deleted "but not to exceed \$700 annually for this purpose" formerly appearing at the end of the section.

Editor's note.—P. L. 1957, c. 377, which amended this section, provided in § 3

thereof as follows: "In addition to any sums which may be appropriated by the legislature for the fiscal years 1957-58 and 1958-59 for the purposes of this act there is hereby appropriated from the general fund the sum of \$3,878 for fiscal year ending June 30, 1958 and \$3,878 for fiscal year ending June 30, 1959 to carry out the purposes of this act."

Sec. 109. Tuition for state wards.—Administrative units 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 administrative units. (R. S. c. 37, § 100. 1957, c. 364, § 63.)

Effect of amendment. — The 1957 amendment substituted "administrative units" for "towns".

Sec. 110. Returns to commissioner of expenditure for free high schools; amounts certified; appeal.—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 administrative unit for instruction in such free high schools during the current year; the amount appropriated and the amount expended for elementary school purposes by each administrative unit 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 98 to 105, inclusive, have been complied with, he shall certify to the governor and council the sum which each administrative unit is entitled to receive from the state. In case any administrative unit 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 administrative unit 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 administrative unit for such amount as they adjudge such administrative unit entitled to receive from the state treasury. (R. S. c. 37, § 101. 1957, c. 364, § 64.)

Effect of amendment. — The 1957 amendment substituted “administrative unit” for “town” throughout this section and made other minor changes.

School District Commission.

Editor’s note.—P. L. 1957, c. 364, which inserted sections 111-A to 111-P, provided in § 105 of such act as follows: “There is hereby appropriated from the general fund the sum of \$30,000 for the fiscal year ending June 30, 1958 and \$30,000 for the fiscal year ending June 30, 1959 to carry out the purposes of section 1-B.”

Sec. 111-A. Declaration of policy.—It is hereby declared to be the policy of the state to encourage the development of school administrative units of sufficient size to provide a more equalized educational opportunity for pupils, to establish satisfactory school programs, and achieve a greater uniformity of school tax rates among the school administrative districts and a more effective use of the public funds expended for the support of public schools. (1957, c. 364, § 1-B.)

Sec. 111-B. School district commission.—For the purpose of promoting, developing and adjusting a state plan for the creation of efficient school administrative districts throughout the state and for the purpose of approving applications for the organization of school administrative districts, there is hereby created a school district commission consisting of 5 members, one of whom shall be the commissioner of education or his representative, who shall serve as secretary to the commission, to be appointed by the governor with the advice and consent of the council to serve for a period of 5 years. At the expiration of their term of office their duties and responsibilities are to be assumed by the state department of education. Vacancies in the membership of this commission shall be filled by the governor with the advice and consent of the council. Members of the commission shall be reimbursed for their traveling expenses necessarily incurred and \$10 per day for subsistence while in the performance of their official duties. (1957, c. 364, § 1-B.)

Sec. 111-C. Organization.—The school district commission shall meet at the call of its secretary and organize by electing from its membership a chairman and vice-chairman and a treasurer. The commission shall adopt such by-laws, rules and regulations for the calling and holding of meetings and the administration of its affairs as it deems appropriate and necessary to effectuate the purposes of sections 111-A to 111-P, inclusive. A majority of the membership of

the commission shall constitute a quorum for the purpose of transacting business. (1957, c. 364, § 1-B.)

Sec. 111-D. Powers and duties.—The state school district commission is hereby empowered and authorized and it shall be their duty:

I. To appoint and employ in accordance with the personnel law such personnel as may be deemed necessary to carry out the duties imposed upon it by sections 111-A to 111-P, inclusive, to fix the duties of such employees and to utilize staff of the state department of education and make funds available therefor;

II. To be responsible for a thorough study of school conditions and needs in the state, to determine plans for the establishment of appropriate school administrative districts in all organized territory of the state and to report its actions and recommendations to the 99th session of the legislature. Said study and planning to be directed by the commission but to include all possible participation and assistance by citizens and organizations at the local level;

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

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

V. To identify specifically the unnecessary small schools, for which the full foundation program allowance should not be provided;

VI. To further expedite this reorganization by receiving, filing, examining and approving or disapproving applications for the establishment of school administrative districts. When so approved, the commission shall order the proposal submitted to referendum in the municipalities involved, within a period of 60 days. On receipt of satisfactory evidence of an affirmative action by a majority vote in each of the municipalities involved, the commission is further empowered to assign to the newly created district a name and number, and make proper reports of the district's organization to the secretary of state who shall issue to the applicant a certificate of organization. On receipt of such certificate the newly formed school administrative district is authorized to and is responsible for the operation of all public schools within the district, beginning with the opening of school for the next school year.

Whenever a majority vote in each of the municipalities involved is not obtained but a majority of the municipalities involved has approved the establishment of a school administrative district, the commission is empowered to authorize the creation of the district to be composed of those municipalities in which a majority vote has been obtained. (1957, c. 364, § 1-B.)

Sec. 111-E. Criteria for school administrative districts. — The school administrative district, to be effective, must be of sufficient size and ability to offer an efficient educational program in grades one through 12, including a kindergarten or pre-primary year. To accomplish this purpose, it must be able to maintain a minimum average daily membership of approximately 300 pupils educated at public expense in grades 9 through 12 in one secondary school attendance unit and such elementary attendance units as are needed. If this minimum size district cannot be attained without transporting high school pupils an unreasonable distance, generally considered to be over 20 miles, or if other local

conditions justify a decision to the effect that a smaller district would be for the best educational interest of the pupils involved, smaller districts may be approved by the commission. (1957, c. 364, § 1-B.)

Organization of School Administrative Districts.

Editor's note.—P. L. 1957, c. 364, which inserted sections 111-A to 111-P, provided in §§ 105 and 107 thereof as follows:

"Sec. 105. There is hereby appropriated from the general fund the sum of \$30,000 for the fiscal year ending June 30, 1958 and \$30,000 for the fiscal year ending June 30, 1959 to carry out the purposes of section 1-B."

"Sec. 107. There is hereby appropriated from the general fund the sum of \$70,000

for the fiscal year ending June 30, 1958 and the sum of \$85,000 for the fiscal year ending June 30, 1959 to further encourage the formation of school administrative districts, by paying in December 1957 and in December 1958, directly to such districts, if such districts are established prior to November 1st of that year, the subsidy to which the participating municipalities would have been entitled and an additional 10% of that amount."

Sec. 111-F. School administrative districts.—The inhabitants of and the territory within 2 or more municipalities may form a school administrative district which shall be a body politic and corporate, if previously approved by the school district commission, by proceeding as follows: The school committees and selectmen of the interested municipalities may meet for the purpose of determining a fair and equitable number of school directors to be elected by and to represent each participating municipality. When a decision on this representation can be reached by a $\frac{2}{3}$ majority vote of those present, the municipal officers in each of the several municipalities may call a meeting of the inhabitants of their respective municipalities in the manner provided by law for the calling of town meetings, and such meetings shall vote to favor or oppose similar articles in the following form:

Article : To see if the municipality will vote to join with the municipalities of (naming them) to form a school administrative district.

Article : To see if the municipality will vote to approve the allocation of representation among the municipalities on the board of school directors as recommended by the school committees and boards of selectmen and listed as follows.

Article : To see if the municipality will vote to authorize said school administrative district, from time to time, to borrow money to pay current operating expenses of its schools in anticipation of the receipt of assessments from the participating municipalities, and for capital outlay purposes by issuing its bonds and notes therefor in an amount not to exceed $7\frac{1}{2}\%$ of the equalized state valuation of the municipalities or parts thereof comprising the district but any such borrowing of funds for capital outlay purposes of the district shall first be approved by a majority of those qualified voters of the district voting at a regular or special election called by the directors and held under the provisions of Australian ballot law.

Article : To see if the municipality will vote to authorize the transfer of the title of all school property now in use in the municipality to the new school administrative district.

Where coterminous school districts exist or there is indebtedness outstanding for school construction in any of the municipalities concerned, the following additional article must be acted upon similarly.

Article : To see if the municipality will vote to authorize the district to assume full responsibility for amortizing the following listed indebtedness now outstanding in the municipalities and districts comprising the school administrative district under consideration. (The list must include the name of the

obligated municipality or district, type of obligation, amount unpaid and the payment schedule.)

The clerk in each of the several municipalities shall file a return of such votes with the school district commission. If a majority of those voting in each of the municipalities shall favor each of the above articles, the inhabitants of and the territory within said municipalities shall thereupon become a school administrative district, which shall, subject to the provisions hereof, bear the name and number assigned it by the school district commission and shall have authority to acquire and hold property and to borrow money not in excess of the amount so determined upon.

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

Article : To see if the municipality will vote to authorize the community school district, of which said municipality is a part, to suspend operation as a community school district and organize and operate as a school administrative district in accordance with action on the following articles.

When affirmative action is taken in accordance with the preceding article in each of the participating municipalities and the newly proposed school administrative district is approved by the school district commission, said district shall automatically become eligible to the benefits of sections 237-G and 237-H and become responsible for assessing in all the participating municipalities in the new school administrative district, collecting and paying over to the trustees of the community school district each year the funds necessary to amortize all outstanding capital outlay indebtedness existing at the time when the operation of the community school district was suspended. (1957, c. 364, § 1-B.)

Sec. 111-G. Organization.—When the inhabitants of 2 or more municipalities or parts thereof have voted to form a school administrative district, as provided in section 111-F, the municipal officers of each of the municipalities in the proposed district shall make a return to the school district commission setting forth the fact of the organization of the district and listing the vote from their respective municipalities on each of the articles. If found in order, and approvable by the commission, it shall be approved and assigned a name and number and forwarded to the secretary of state for recording. If the secretary of state finds that the school administrative district has been organized according to law, he shall issue to it a certificate of organization and such certificate shall be conclusive evidence of the lawful organization of the school administrative district. Whenever the membership of a school administrative district is changed by the addition or subtraction of new territory, a return to that effect shall promptly be so filed by the school directors. A copy approved by the school district commission and certified by the secretary of state, of a return so filed shall be conclusive evidence of the change in the school administrative district.

Only those municipalities the inhabitants of which vote to join such school administrative district shall be bound by the terms of sections 111-A to 111-P, inclusive.

When the territory of a school district or community school district falls within a school administrative district which has been issued its certificate of organization, the trustees of such district or community school district shall upon request of the school directors of the said school administrative district convey the title to all school property and buildings then owned by said district or community school district to said school administrative district notwithstanding any other provision in the charter of said school district or community school district. (1957, c. 364, § 1-B.)

Sec. 111-H. School directors.—All the affairs of said district shall be managed by a board of school directors which shall consist of not less than 5 nor more than 12 members, the exact number to be determined by the municipal officers as provided for in section 111-F. Representation on the board of school directors shall be in accordance with the vote in the second article of section 111-F if approved by each participating municipality.

If at any time after a school administrative district has been formed, conditions appear to warrant a change in the number of school directors, petitions may be filed with the school district commission or state department of education requesting such changes and the commission or department is authorized to make such changes when in their judgment the petitions represent the wishes of a majority of the voters and the proposed change will improve the conduct of the affairs of the administrative district. (1957, c. 364, § 1-B.)

Sec. 111-I. Election of school directors.—When a school administrative district has been formed, elections shall be called within 60 days by the selectmen or city government in the several municipalities for the purpose of selecting the approved number of school directors from each municipality by the legal voters of that municipality. The term of office of these school directors shall be decided by lot, $\frac{1}{3}$ for one year, $\frac{1}{3}$ for 2 years and the remaining third for 3 years, at the first meeting of the school directors of the district. Subsequent elections shall be called and held during the month of March or when a vacancy occurs, by direction of the selectmen or city government, when so requested in writing by the board of school directors. The provisions of section 46 shall also apply to school directors when not in conflict with the provisions of this section.

The school directors shall receive as compensation for the services \$5 for each board meeting that each attends. The superintendent of schools who shall serve as secretary and treasurer shall give a bond to the district in such sum and with such sureties as the directors may determine, which bond shall be deposited with the chairman. The expense of such bond shall be paid by the district. The treasurer's bond premium and fees paid members for attendance at meetings and all expenses of the district shall be paid from funds of the district by the treasurer on vouchers presented and certified by the superintendent of schools and approved by a majority of the members of the board of school directors or a finance committee of that board duly appointed or elected annually by that board. (1957, c. 364, § 1-B.)

Sec. 111-J. Power to borrow money.—To procure funds for authorized purposes of the district, the school directors of said district are authorized to borrow funds to pay current operating expenses of the district but said loans must be repaid within one year. To procure funds for capital outlay purposes, which include acquiring land, constructing, renovating, remodeling and equipping school buildings and related recreational and athletic facilities, the school directors of said district are authorized to issue bonds and notes of the district, not to exceed in the aggregate at any one time outstanding, the limit of indebtedness of $7\frac{1}{2}\%$ of the total of the last preceding state valuation of all the participating towns. The issuing of bonds or notes for capital outlay purposes shall first be approved by a majority of those qualified voters of the district voting at an election called by the school directors and held under the provisions of sections 49 to 63 of chapter 91. Contracts, leases or agreements with the Maine school building authority shall not be debts or liabilities within the provisions of this section. Each bond or note shall have inscribed upon its face the name and number of the school administrative district and shall be dated at such time or times, shall be in such denomination, shall bear such rate of interest, per annum, payable semiannually, be in such form, subject to the provisions of sections 111-A to 111-P, inclusive, and be sold in such manner, at public or private sale as

the school directors shall determine. Each issue of said bonds shall mature in substantially equal annual installments, so that the first installment shall be payable not later than 2 years after the date of issue and the last installment not later than 25 years from the date thereof. If the proceeds of an issue of bonds are used in whole or in part to fund temporary notes of the district or renewals thereof, the period during which such issue of bonds shall be outstanding, plus the period of the loan represented by such temporary notes or renewals thereof, shall not exceed 25 years. All notes or bonds issued by said school directors on behalf of an administrative district shall be signed by the treasurer and countersigned by the chairman of said board of school directors, and if coupons be issued, each coupon shall be attested by a facsimile signature of the treasurer printed thereon. Notes issued by the administrative district shall mature not later than one year from their date but may be renewed from time to time, provided the period of the original note plus that of renewals thereof shall not exceed 2 years. Said notes and bonds and said contracts, leases and agreements with the Maine school building authority shall be legal obligations of said district, which is declared to be a quasi-municipal corporation within the meaning of section 136 of chapter 53, and all the provisions of said section shall be applicable thereto. (1957, c. 364, § 1-B.)

Sec. 111-K. How financed.—The directors of each school administrative district shall within 90 days after authorization by vote of the participating municipalities as provided in section 111-F and thereafter annually before April 1st of each year determine the sum required each year to meet the bonds falling due and what further sum is necessary to meet the interest on said bonds or other obligations, and all other expenses necessary for the operation of the administrative district, including temporary loans and the rentals and other charges provided in any contract, lease or agreement with the Maine school building authority. Also before April 1st of each year and after their budget has been prepared, the school directors shall hold a public hearing, suitable notice of which shall have been posted in each school district ward for a minimum of 7 days. At this hearing the budget shall be thoroughly explained and the voters of the district shall be given an opportunity to be heard. Except that in those school administrative districts composed of towns and no cities, such budget must be approved by the voters of the district at a district meeting to be held before April 1st of each year and to be called by the directors of the district and held in the same manner as town meetings. Notice of such district meeting shall be posted in each town in the same manner as town warrants. The secretary of the district shall be clerk of the meeting. The directors shall thereupon issue their warrants, in substantially the same form as the warrant of the treasurer of state for taxes, to the assessors of each participating municipality, requiring them to assess upon the taxable polls and estates within said municipality an amount in proportion to the total sum required each year as that municipality's state valuation bears to the total state valuation of all the participating municipalities; and to commit the assessment to the constable or collector of said municipality who shall have all the authority and powers to collect said taxes as is in him vested by law to collect state, county and municipal taxes. On or before the 31st day of December of the year in which said tax is so levied, the treasurer of each municipality shall pay the amount of the tax so assessed against the taxable polls and estates within his said municipality to the treasurer of the administrative district. In the case of the failure on the part of the treasurer of said municipality to pay said sum or any part thereof on or before said 31st day of December in the year in which said tax is levied, the treasurer of the administrative district may issue his warrant for the amount of said tax or so much thereof as shall then remain unpaid to the county sheriff requiring him to levy by distress and sale on the real and personal property of any of the in-

habitants of said administrative district living in the municipality where such default takes place and the sheriff or any of his deputies shall execute said warrant, except as otherwise provided. The same authority as is vested in county officials for the collection of county taxes under the provisions of the Revised Statutes is vested in the school directors of said district in relation to the collection of taxes within such municipality. If any school administrative district which has financed school construction through the Maine school building authority shall be delinquent in its payment to the authority, the department of education shall make payment to the authority in lieu of such school administrative district from any amounts properly payable to such district by such department, not exceeding the amount then presently due to the authority from such district. (1957, c. 364, § 1-B.)

Sec. 111-L. Application of general law. — Schools operated by school administrative districts, when established, shall be considered the official schools of the participating municipalities and all provisions of the general law relating to public education shall apply to said schools. Special courses and other bases for allocations to municipalities because of these schools shall be paid by the state directly to the treasurer of the administrative districts. (1957, c. 364, § 1-B.)

Sec. 111-M. Transportation. — Transportation shall be provided by the school directors for both elementary and secondary school pupils in the same manner as is provided for transportation of elementary school pupils in section 14, the expenditures for transportation to be considered as expense of operation of said school or schools in such school administrative districts. (1957, c. 364, § 1-B.)

Sec. 111-N. Superintendents of schools. — The superintendent of the school administrative district and such other staff personnel as the school directors deem necessary shall be selected by a majority vote of the full membership of the board or boards of school directors and shall have the same duties, powers and responsibilities with respect to said school or schools and the board or boards of school directors as are prescribed by law for public school superintendents. In addition to other duties assigned him, he shall serve as secretary and treasurer of the school administrative district or districts. (1957, c. 364, § 1-B.)

Sec. 111-O. Additions to and withdrawals from school administrative districts. — The inhabitants of and territory within any municipality not originally in an administrative district may be included upon vote of all the municipalities concerned in a manner similar to that prescribed for the establishing of the school administrative district under such terms and arrangements as may be recommended by the school directors, approved by the school district commission and approved by such vote; provided the cost to the inhabitants and territory so applying shall be based on a fair valuation as determined by the state board of equalization.

When the inhabitants of a participating municipality have indicated their desire to withdraw from a school administrative district by a $\frac{2}{3}$ vote of the legal voters in said municipality present and voting at a special meeting, called and held in the manner provided by law for the calling and holding of town meetings, such withdrawal may be authorized by special act of the legislature upon such terms as shall be contained in such special act. No such withdrawal shall be permitted while such school administrative district shall have outstanding indebtedness. (1957, c. 364, § 1-B.)

Sec. 111-P. Regulations.—Subject to the provisions of sections 237-A to

237-H, inclusive, and sections 111-A to 111-O, inclusive, the school district commission during its life and thereafter the state department of education may make such reasonable regulations as it may find necessary for carrying out the purposes, provisions and intent of these sections. (1957, c. 364, § 1-B.)

Community School Districts.

Sec. 112. Community school districts.

Control over district by member town.—The control over a district to be exercised by a member town is limited by the terms of the statute. Each town selects trustees and members of a school committee, who then serve the district, not

the town. Their authority is determined by the statutes relating to community school districts and not by the will of the town. *Knapp v. Swift River Valley Community School Dist.*, 152 Me. 350, 129 A. (2d) 790.

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.

Sec. 117. Community school committee; powers.—The representation of each town on the community school committee shall be determined by the trustees of the district and shall be in approximately the same ratio to the total membership of the committee as the town's enrollment is to the enrollment in that school. No town shall have less than one nor more than 3 representatives on the committee. The superintending school committee of each town shall choose from its membership the representation on the community school committee to which that town is entitled as above provided and membership on the community committee shall be coterminous with the member's term of office on the superintending school committee of the town which he represents. Vacancies shall be filled by the school committee of the town in whose representation the vacancy occurs. Adjustments in the representation of the several towns shall be made whenever changes in the enrollment from the individual towns make the existing representation in conflict with the provisions of this section. The committee shall at its first meeting and annually in April thereafter choose by ballot from its membership a chairman and a secretary. The community school committee shall have all the powers and duties with respect to the community school conferred upon superintending school committees under the general statutes and those enumerated in section 114. (1947, c. 357. 1957, c. 170.)

Effect of amendment.—The 1957 amendment deleted the former first sentence relative to number of members of the school committee, inserted in the

present first sentence the words "on the community school committee shall be determined by the trustees of the district

and", and made a former proviso of such sentence into a separate sentence.

Sec. 121. Participating towns; withdrawal.

The district is a creature of legislative action. Its creation and likewise its dissolution are solely within the power of the legislature. The legislature has made full, complete, and readily understandable provisions for withdrawal of a town from a community school district. Withdrawal requires not only action by the town, but action by the legislature as well. Knapp

v. Swift River Valley Community School Dist., 152 Me. 350, 129 A. (2d) 790.

Withdrawal of town must be in compliance with statute.—Until a town has withdrawn in compliance with the statute, it remains a part of the district. Knapp v. Swift River Valley Community School Dist., 152 Me. 350, 129 A. (2d) 790.

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, the school directors of any school administrative district 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, and said municipal officers or trustees, for the time being, or said community school district or school directors 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. 1957, c. 364, § 65.)

Effect of amendments. — The 1955 amendment inserted provisions for the surrender of property to a community school district.

The 1957 amendment made this section applicable also to school directors of school administrative districts.

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 or school administrative district, all property belonging to such academy or corporation for the purposes indicated by section 122. (R. S. c. 37, § 104. 1955, c. 162, § 2. 1957, c. 364, § 66.)

Effect of amendments. — 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."

The 1957 amendment inserted "or school administrative district" and substituted "section 122" for "the preceding section".

Sec. 124. Income of property; qualifications of pupils; tuition by nonresidents.—The town or community school district or school administrative 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 or school directors if a school administrative 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, community school district or school administrative district, having such certificate, may attend said school without tuition fee, and all scholars not residents of said town, community school district or school administrative district, may attend said school upon such terms and conditions as said superintending school committee, community school committee or school directors may impose. (R. S. c. 37, § 105. 1955, c. 162, § 3. 1957, c. 364, § 67.)

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

The 1957 amendment made this section applicable also to school directors and school administrative districts.

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.

Sec. 127. Certain academies to have audit.—Every academy, eligible to receive tuition payments from municipalities which are eligible for state subsidy aid under the provisions of sections 237-C, 237-D and 237-E, shall on or before September 1st of each year furnish to the state auditor satisfactory proof that the books, accounts, financial documents and reports to the commissioner 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 made by the state department of audit or by individuals or firms recognized as competent auditors by training and experience or by qualified public accountants. (R. S. c. 37, § 108. 1947, c. 25. 1951, c. 397, § 3. 1957, c. 364, § 68.)

Effect of amendment. — The 1957 amendment substituted "state subsidy" for "general purpose" and substituted "sections 237-C, 237-D and 237-E" for "section 237".

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

Sec. 142. Approval of degree-granting institutions.—Any educational institution seeking authority to grant any educational, literary or academic degree, or any junior college or similar post-secondary educational institution seeking authority to grant an associate degree, shall make application to the secretary of state, in a manner prescribed by him, not later than May 1st immediately preceding the legislative session.

Upon notification from the secretary of state, it shall be the duty of the commissioner to obtain full information regarding the merit of the institution to confer the degree or grant the associate degree. He shall use those standards which are commonly accepted in the accreditation of American educational institutions, and shall prepare for the use of the legislature a report regarding the adequacy of the institution's buildings, instructional facilities and provisions for the safety and well-being of students; the qualifications of the faculty; the character of the program of studies and of the requirements for award of degrees; practices in the admission of students; the adequacy of financial resources; and the governing policies of the institution. The report, with recommendations of the state

board of education, shall be delivered to the secretary of state at least 10 days before the opening of the regular legislative session.

No person, school, board, association or corporation shall use in any way the term "junior college" or "college" or "university" in connection with an institution, or use any other name, title or descriptive matter tending to designate that it is an institution of higher learning with the power to grant educational, literary or academic degrees unless the institution has been given the right to grant degrees in accordance with the provisions of this section.

Any institution not previously authorized to confer a degree or an associate degree must have been in regular operation at least 2 years before the legislature grants authority to confer a degree or associate degree.

An institution authorized to confer a degree or associate degree shall inform the commissioner of any substantial reduction in its educational program or resources available to students. If, in the judgment of the state board of education, these changes are sufficient to warrant review of the institution's authority to confer degrees or associate degrees, it shall be the duty of the commissioner to report these changes to the current membership of the legislative committee which originally considered the measure. (1953, c. 359. 1957, c. 141.)

Effect of amendment. — The 1957 amendment inserted all of the provisions of this section relative to associate degrees, inserted the present third paragraph of the section, substituted the word "degrees" for the word "diplomas" in the second paragraph, and made other minor changes.

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. 146. Moral instruction.—The school committee or school directors of each administrative unit 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 146 to 152, inclusive. (R. S. c. 37, § 128. 1957, c. 364, § 69.)

Effect of amendment. — The 1957 amendment made this section applicable also to school directors and substituted "administrative unit" for "city or town".

Sec. 147. Survey of religious affiliation.—The school committee or school directors of each administrative unit may authorize and complete a survey of the religious affiliations of all pupils attending the public schools within such administrative unit, 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 school committee, it may excuse such pupils for at least one hour for the purpose of attending their respective places of worship, or some other suitable place, there to receive moral instruction in accordance with the religious faith of said pupils. (R. S. c. 37, § 129. 1957, c. 364, § 70.)

Effect of amendment. — The 1957 amendment inserted "or school directors" and substituted "city or town" in the first sentence and substituted "school committee" for "administrative unit" for "board" in the second sentence.

Sec. 148. Rules and regulations.—Each school committee or board of school directors is authorized to adopt rules and regulations for carrying into effect the provisions of sections 146 to 152, inclusive, and to make such arrange-

ment with the respective persons in charge of the several denominations for the giving of the aforesaid moral instruction. (R. S. c. 37, § 130. 1957, c. 364, § 71.)

Effect of amendment. — The 1957 amendment inserted "or board of school directors".

Sec. 151. Expense.—The aforesaid moral instruction shall be given without expense to any administrative unit, the pupils of which receive such instruction, and no administrative unit, or the school committee or school directors thereof, shall incur any expense for such instruction beyond the cost of the original survey. (R. S. c. 37, § 133. 1957, c. 364, § 72.)

Effect of amendment. — The 1957 unit" for "city or town" and inserted "or amendment substituted "administrative school directors".

Sec. 153. Temperance day; commissioner to prepare material.

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 administrative units of the state and all public school teachers within the state to comply with the provisions of this section. (R. S. c. 37, § 135. 1957, c. 364, § 73.)

Effect of amendment. — The 1957 the first paragraph was not changed by amendment inserted "administrative units" the amendment, it is not set out. for "towns" in the second paragraph. As

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 1st; Washington's birthday, February 22nd; Columbus day, October 12th, shall, upon vote of the superintending school committee or school directors of any administrative unit, be observed by teachers and pupils of the public schools of said administrative unit 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 or school directors, said days shall be observed as legal school holidays with the closing of schools. (R. S. c. 37, § 136. 1955, c. 405, § 32. 1957, c. 364, § 74.)

Effect of amendments. — The 1955 school directors" in the fourth and sixth amendment substituted "Veterans day" sentences and substituted "administrative unit" for "town" in the fourth sentence. The 1957 amendment inserted "or

Schools in Plantations.

Sec. 157. Repealed by Public Laws 1957, c. 364, § 75.

Sec. 158. Repealed by Public Laws 1957, c. 364, § 76.

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 connection 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 evidence 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.

Sec. 186. State certificate necessary for employment.—No persons shall be employed to teach in any school under the supervision and control of any school officials of any administrative unit of this state who do not hold a state certificate as provided for in this chapter. 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 sections 184 and 185. (R. S. c. 37, § 158. 1957, c. 364, § 77.)

Effect of amendment.—The 1957 amendment made a former proviso a separate sentence, substituted “administrative unit” for “city, town or plantation” and substituted “sections 184 and 185” for “the 2 preceding sections”.

Sec. 187. Teaching without certificate.—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 administrative unit in which he so taught such amounts as he shall have received for wages for such illegal teaching. (R. S. c. 37, § 159. 1957, c. 364, § 78.)

Effect of amendment.—The 1957 amendment substituted “administrative unit” for “town”.

Registration of Teachers.

Sec. 188. Registration; lists furnished; fee.—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, school directors or superintendents of schools, upon request, information relative to persons registered and to furnish persons thus registered information relative to vacancies in positions in public schools within the state. 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 enrollment 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. (R. S. c. 37, § 160. 1957, c. 364, § 79.)

Effect of amendment.—The 1957 amendment made the former second sentence into two sentences and inserted

Industrial Education.

Sec. 192. State aid for agriculture, industrial arts and home economics instruction.—Whenever the superintendent of schools of any administrative unit or the trustees of any incorporated academy shall certify to the commissioner, on forms prescribed by him, that instruction has been provided pupils of elementary schools, high schools or academies for the year preceding, said instruction having been approved as to course content, equipment and teacher qualifications, in general agriculture, industrial arts or general home economics, the commissioner is authorized to make apportionments of state aid as follows:

I. For municipal programs, the reimbursement payable in accordance with the provisions of sections 237-C, 237-D and 237-E;

II. For academy programs, the tuition reimbursement to the sending municipality as provided in sections 107, 108, 237-C, 237-D and 237-E. (R. S. c. 37, § 165. 1945, c. 350, § 13. 1949, c. 407, § 1. 1951, c. 393, § 4; c. 397, § 5. 1957, c. 364, § 80.)

Effect of amendment. — The 1957 amendment substituted “administrative unit” for “municipality or community school” in the first sentence, and substituted “sections 237-C, 237-D and 237-E” for “section 237” in subsections I and II.

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 or school directors of any administrative unit shall have maintained during the school year evening schools, day schools, classes and educational activities for adults as provided by section 37, said administrative unit 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 or school directors 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 administrative unit 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. 1957, c. 364, § 81.)

Effect of amendments. — The 1955 amendment extended the application of this section to day schools, classes and educational activities. It also added the second paragraph. The 1957 amendment inserted “or school directors” and substituted “administrative unit” for “town”.

Sec. 194. State aid for general industrial schools.—The superintending school committee of any town, when authorized by vote of the town, shall and the school directors of a school administrative district may establish and maintain as a part of the public school system of such administrative unit 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 or school directors 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 administrative unit 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 one 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 administrative unit 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 administrative unit in any year. (R. S. c. 37, § 167. 1957, c. 364, § 82.)

Effect of amendment.—The 1957 amendment made this section applicable also to school directors of school administrative districts and substituted “administrative unit” for “town” throughout this section.

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 Federal 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.

Sec. 203-A. Schools for practical nursing.—The state board of education shall have authority to establish, maintain and operate state schools for practical nursing for persons who give evidence of special aptitude or need and who desire specialized training designed specifically to train for service in practical nursing. (1957, c. 36, § 1.)

Sec. 204. Powers and duties.—For the purposes of sections 203, 203-A and 204, the state board shall have power to accept and expend all funds received by it from the department on appropriation from the general fund of the state or from such gifts and donations either from public or private sources as may be offered unconditionally, together with fees as provided. The said board shall have authority to offer such courses of study, give such diploma or certificate on completion of a course of study, charge such tuition and other reasonable fees and set up such qualifications for admission as it deems necessary in any

such technical and vocational schools, and schools for practical nursing. (1947, c. 382. 1951, c. 266, § 63. 1957, c. 36, § 2.)

Effect of amendment. — The 1957 amendment made this section applicable to § 203-A, eliminated “of education”, and inserted the language at the end of the section “and schools for practical nursing.”

Education of Physically Handicapped or Exceptional Children.

Sections 207-A to 207-I cumulative.—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 207-A to 207-I, inclusive, shall not supplant services available to handicapped children by any other department of the State.”

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, 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. 1957, c. 364, § 83.)

Effect of amendment. — The 1957 amendment deleted the words “and community school districts” formerly appearing near the end of the first paragraph.

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 207-A to 207-I, inclusive, and subsequent appropriations made for this service are to be used to pay administrative units 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 administrative units. 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 counseling with their parents and teachers, to engage specialists, to train teachers and for any other purposes approved by the state board as being necessary to carry out the purpose of sections 207-A to 207-I, inclusive. (1955, c. 467, § 1. 1957, c. 364, § 84.)

Effect of amendment. — The 1957 amendment substituted "sections 207-A to 207-I" for "sections 208 to 216" and substituted "administrative units" for "cities, towns, plantations, community school districts" in the first sentence and deleted "of education" following "state board" in the last sentence.

Sec. 207-F. Responsibility of administrative units.—Every administrative unit 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 school directors or for other programs approved by the commissioner. (1955, c. 467, § 1. 1957, c. 364, § 85.)

Effect of amendment. — The 1957 amendment substituted "administrative unit" for "municipality" and inserted "or school directors".

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 administrative units 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 administrative unit. 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. 1957, c. 364, § 86.)

Effect of amendment. — The 1957 amendment substituted "administrative units" for "municipalities".

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.)

Teachers for Mentally Retarded Children.

Sec. 207-J. Teachers for mentally retarded children.—Any municipality may, in addition to the sum raised for the support of public schools, raise and appropriate money for the education of teachers to meet the educational needs of mentally retarded children. Such appropriation shall be expended on a matching basis with any funds made available by the department of education for the same purpose. (1957, c. 368, § 1.)

Editor's note.—P. L. 1957, c. 368, which inserted this section, provided in section 2 thereof as follows: "There is hereby appropriated from the general fund to the department of education the sum of \$4,000 for the fiscal year ending June 30, 1958 and \$4,000 for the fiscal year ending June 30, 1959 to carry out the purposes of this act."

Education of Physically Handicapped Children.

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

Cross reference.—For present law as to education of physically handicapped or exceptional children, see §§ 207-A to 207-I of this chapter.

Health, Safety and Physical Education.

Sec. 217. Health, safety and physical education; rules; reports.—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 or school directors of the several administrative units of the state to make provision for the organization and development of adequate programs of health, safety and physical education and to require the teaching of these courses to all pupils in the public elementary and secondary schools of the state 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 health, safety and physical education, and he may require such reports from superintendents as he may deem necessary. (R. S. c. 37, § 181. 1949, c. 407, § 2. 1957, c. 364, § 87.)

Effect of amendment. — The 1957 amendment inserted "or school directors" and substituted "administrative units" for "towns".

Sec. 218. Directors of physical education; qualifications and duties.—Administrative units 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. (R. S. c. 37, § 182. 1957, c. 364, § 88.)

Effect of amendment. — The 1957 amendment substituted "Administrative units" for "Towns".

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 or school directors of the several administrative units of the state to make provision for this instruction in all the public secondary schools

and academies receiving tuition students as described in section 107. (1955, c. 475. 1957, c. 142, § 1; c. 364, § 89.)

Effect of amendments.—The first 1957 amendment substituted the words “receiving tuition students as described in section 107” for “under joint board or contract with the town” at the end of the

section. The second 1957 amendment inserted “or school directors” and substituted “administrative units” for “municipalities”.

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

I. Salaries and traveling expenses for a state director of driver education, clerical assistance and supplementary teaching aids essential to the program;

II. Special subsidies shall be paid in September to the administrative units for all courses in driver education according to the following plan: \$10 for each pupil satisfactorily completing the driver education course during the preceding school year. Such driver education course shall meet the approval of the commissioner in regard to teacher qualifications, limitations as to the number of pupils and the course of study offered. (1955, c. 475. 1957, c. 142, § 2; c. 364, § 90.)

Effect of amendments.—The first 1957 amendment substituted the word “municipalities” for the words “cities, towns, plantations” and rewrote the portion of the section relative to plan for payment of subsidies. The second 1957 amendment

deleted “of education” following the words “commissioner” and “state board”, and substituted “administrative units” for “municipalities and community school districts”.

Sec. 218-C. Motor vehicle authorized. — Notwithstanding the provisions of section 30 of chapter 16, the department of education shall be permitted to purchase a motor vehicle to be used principally in carrying out the purposes of sections 218-A and 218-B. (1957, c. 301.)

Effective date.—The act inserting this section became effective on its approval, May 17, 1957.

School Lunch and Special Milk Program.

Sec. 219-A. Acceptance of special milk program for children.—The state having accepted the provisions and benefits of the special milk program for children will observe and comply with the provisions of this legislation. (1957, c. 24, § 1.)

Sec. 220. Treasurer of state custodian.—The treasurer of state is designated custodian of all moneys received by the state from the federal government for establishment, maintenance, operation and expansion of school-lunch and milk programs and he shall receive and provide for the proper custody of such moneys and disburse such money on requisition of the commissioner. (1947, c. 127. 1957, c. 24, § 2.)

Effect of amendment. — The 1957 amendment included the milk program.

Sec. 221. Administration. — The superintending school committee or school directors of any administrative unit may establish, maintain, operate and expand a school-lunch and special milk program for the pupils in any school building under its jurisdiction, may make all contracts necessary to provide material, personnel and equipment necessary to carry out the provisions of the national school lunch act and the special milk program for children legislation, and may use therefor funds disbursed to them under the provisions of sections

219 to 222, inclusive, gifts and other moneys received from sale of school lunches and milk under these programs. The commissioner may give technical advice and assistance to any school committee or board of school directors in connection with the establishment and operation of any school-lunch and milk program and may assist in training personnel engaged in the operation of any school-lunch program. (1947, c. 127. 1957, c. 24, § 3; c. 364, § 91.)

Effect of amendments.—The first 1957 amendment inserted the provisions as to “school directors” and substituted “administrative unit” for “town”. Both amendments have been given effect in the section as set out above.

Sec. 222. Accounts, records, reports and operation.—The commissioner shall prescribe regulations for the keeping of accounts and records and the making of reports by the superintending school committees or school directors. Such accounts and records shall at all times be available for inspection and audit by authorized officials and shall be preserved for such period of time, not in excess of 5 years, as the commissioner may prescribe. (1947, c. 127. 1957, c. 364, § 92.)

Effect of amendment. — The 1957 amendment inserted “or school directors”.

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.

Sec. 228. Repealed by Private and Special Laws 1957, c. 182, § 2.

Sec. 229. Fort Kent state normal school. — The state board shall maintain, for not less than 8 months annually, the Fort Kent state normal 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 its control and direction in the same manner and to the same extent as the other state normal schools and teachers' colleges. (R. S. c. 37, § 190. 1945, c. 378, § 44. 1951, c. 266, § 71. 1957, c. 397, § 30.)

Effect of amendment. — The 1957 amendment changed the name of the school from Madawaska training school to Fort Kent state normal school.

Penal Provisions.

Sec. 231. Forfeitures; expenditure.—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 administrative unit 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 administrative unit neglecting for one year so to expend such money forfeits an equal sum to any person suing therefor in an action of debt. (R. S. c. 37, § 191. 1957, c. 364, § 93.)

Effect of amendment. — The 1957 amendment substituted “administrative unit” for “town” and made this section into two sentences.

Sec. 233. Injuries by minor; damages.—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 an administrative unit, such administrative unit by an attendance officer thereof may recover of his parent or guardian in an action of debt double the damage occasioned thereby. (R. S. c. 37, § 193. 1957, c. 364, § 94.)

Effect of amendment. — The 1957 amendment substituted “administrative unit” for “town”.

State School Funds.

Sec. 235. Permanent school fund.—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. Such sum shall constitute a permanent school fund, which may be put at interest. Such interest shall accrue to a fund to be allocated to administrative units by the commissioner for the purpose of surveying school systems and developing school plans. Said allocation shall not in any case exceed $\frac{1}{2}$ of the cost of such surveys or plans.

(1957, c. 364, § 95.)

Effect of amendment. — The 1957 amendment made the former first sentence into two sentences and inserted “administrative units” for “towns” in the present third sentence of the first paragraph. As the second paragraph was not changed by the amendment, it is not set out.

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.

The term “administrative unit” shall include all municipal or quasimunicipal corporations responsible for operating public schools.

(1955, c. 369, § 9. 1957, c. 364, § 96.)

Effect of amendments. — 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.

The 1957 amendment inserted the last paragraph appearing above as the fifth paragraph of this section.

As the fourth paragraph and last two paragraphs of the original were not changed by the amendments, they are not set out.

Sec. 237. Repealed by Public Laws 1957, c. 364, § 1-A.

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

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

Notwithstanding 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 administrative unit which fails to comply with any of these conditions shall have deducted from its apportionment a sum equal to that by which it is delinquent.

After providing an opportunity for a hearing, the state board of education, on recommendation of the commissioner, may adjust the state subsidy to an administrative unit when, in the opinion of the board, the expenditures for education in such unit show evidence of manipulation to gain an unfair advantage or are adjudged excessive. (1957, c. 364, § 1.)

Editor's note.—P. L. 1957, c. 364, which inserted §§ 237-A to 237-H, provided in § 106 thereof as follows: "There is hereby appropriated from the general fund the sum of \$1,150,000 for the fiscal year ending June 30, 1958 and \$1,086,000 for the fiscal year ending June 30, 1959 to carry out the purposes of section 1."

Sec. 237-B. Reimbursement for professional credits. — Whenever any certified teacher completes, within any 2-year period, 6 credit hours of additional professional work approved by the commissioner and receives supplementary financial assistance in an amount not less than \$50 from an administrative unit, said unit shall receive reimbursement of \$50 from the state for such expenditure at the next distribution of state funds. The renewal of each teaching certificate shall be conditional on the completion of at least 6 semester hours of professional study within each period of 5 years, excepting that

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

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

If the employment of teachers under permits or other special licenses is authorized by the state board of education, the said board shall have the authority to prescribe minimum salaries and other regulations for this class of teachers. (1957, c. 364, § 1.)

Sec. 237-C. The foundation program, defined.—To help equalize educational opportunity and guarantee a minimum program of education for all children throughout the state there is hereby established a foundation program

or level of education, expressed in terms of a minimum dollar cost per pupil, in which the state will participate financially on a percentage basis rendering greater financial assistance to the less able administrative units.

Criteria for the foundation program shall be:

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

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

III. School administrative units shall:

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

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

C. Expend at least 35% of the cost of instruction on nonteaching services. (1957, c. 364, § 1.)

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

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

Table I

Size of school
administrative
unit

based on
average daily
membership

Foundation program allowances per pupil
Elementary schools Secondary schools

1-25	\$4,000 (1)	\$11,000 (2)
26-50	\$4,000 / 80 per pupil (1)	\$12,000 (2)
51-100	\$164 per pupil (1)	300 p/pupil (2)
101-200	160 per pupil (1)	285 p/pupil (2)
201-300	154 per pupil (1)	270 p/pupil (2)
301-500	148 per pupil	260 p/pupil
501-800	144 per pupil	250 p/pupil
801 and over	140 per pupil	245 p/pupil

(1) Compute at \$142 p/pupil in ADM if within 10 miles of neighboring school by nearest suitable highway.

(2) Compute at \$260 p/pupil in ADM if within 15 miles of neighboring school by nearest suitable highway for payments in December of 1957 and 1958. Thereafter, compute those high schools that have been classified as un-

necessary by the school district commission as follows: If average daily membership is 60 or less, compute at \$225. If average daily membership is between 61 and 300, compute at \$260.

It is the intent of the legislature that Table I of this section should be revised each biennium to reflect changes in the educational expenditures of towns. On or before October 1st of each year prior to the convening of the legislature, it shall be the duty of the commissioner of education to make recommendations to the governor for such revision which may be used as the basis for budget needs and recommendation for state school subsidies for appropriation by the subsequent session of the legislature. (1957, c. 364, § 1.)

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

The several administrative units (cities, towns, plantations and school administrative districts) shall be divided into 21 classifications according to their valuations per resident school child being educated at public expense. The valuation shall be as determined by the board of equalization in the statement filed by it, as provided in section 67 of chapter 16 on December 1st, 1956, and the number of children shall be the average of the last 2 enrollment reports of resident pupils being educated at public expense on April 1st annually, except that for the years 1957-58 allocations shall be based on the board of equalization statement filed on December 1st, 1956.

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

Table II

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

Whenever any administrative unit's average net operating cost in any biennium

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

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

Any administrative unit, approved by the school district commission as a necessary and efficient administrative unit, in which the average net operating cost in any biennium exceeds the amount of the average net foundation program allowance shall be entitled to an additional subsidy allocation on that part of its average net operating cost which exceeds its net foundation program allowance, said subsidy to be 10% of the percentage to which said administrative unit is entitled to receive in Table II.

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

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

The allocation made to each such town because of its share in the allowable operating cost of the community school district shall be paid to the community school district and credited to the town's share of the cost of operating the school with the remainder of each participating town's subsidy being paid directly to the town. (1957, c. 364, § 1.)

Sec. 237-F. Subsidy payments in December, 1957 and December, 1958.—In those administrative units where state subsidy for 1957 and 1958 under the general purpose educational aid law would have been greater than the subsidy calculated under the provisions of sections 237-D and 237-E, the following shall apply: For payment in December, 1957 the larger of the 2 amounts will be paid. For payment in December, 1958 the payment will be the subsidy due under sections 237-D and 237-E plus $\frac{1}{2}$ the difference between this amount and the amount that would have been allowed under the general purpose educational aid law. (1957, c. 364, § 1.)

Sec. 237-G. Supplemental state aid for reorganized districts.—When administrative units are reorganized by the formation of "school administrative districts" as is provided for in sections 237-A to 237-H, inclusive, the state subsidy paid annually to each such district, as determined in section 237-E, shall be supplemented by an additional 10% of the percent to which it is entitled through the computation in section 237-E. (1957, c. 364, § 1.)

Sec. 237-H. State aid for school construction in reorganized districts.—To provide effective incentive for the establishment of appropriate larger school administrative districts, the commissioner shall allocate state financial assistance to school administrative districts on school construction approved subsequent to the formation of such districts in accordance with the following: On the basis of information available in the office of the commissioner on November 1st of each year, he shall apportion, in December of that year, to school administrative districts the same percentage of said district's expenditures for capital purposes, including cash payments, interest and principal payments, that the district would be entitled to receive that year on operational cost under the pro-

visions of section 237-E. Said apportionment shall apply similarly to payments made on contracts awarded subsequent to the effective date of this act in single municipality administrative units where the April 1st enrollment of resident pupils in grades 9 through 12 for that year is over 700 pupils and in smaller administrative units when in the judgment of the commission the formation of a school administrative district by consolidation is not geographically or educationally practical. (1957, c. 364, § 1.)

Effective date.—The effective date of the act which inserted §§ 237-A to 237-H of this chapter is August 28, 1957.

Editor's note.—P. L. 1957, c. 364, which inserted this section, provided in § 108 thereof as follows: "There is hereby appropriated from the general fund the sum

of \$100,000 for the fiscal year ending June 30, 1958 and the sum of \$150,000 for the fiscal year ending June 30, 1959 to carry out the purposes of section 237-H of chapter 41 of the Revised Statutes, as amended."

Sec. 237-I. Children resident at private tax-exempt institutions.—

Any child between the ages of 5 and 21 who resides at a private tax-exempt institution within this state shall have the right to attend the public schools in the town in which such institution is located under the same conditions as pupils residing in such town, and shall for the purposes of this section be classed as resident pupils, except that if the number of such children in any town shall exceed 10% of the total public school enrollment in such town, the town shall be paid from the appropriation for general-purpose aid the net local cost of educating such children at each elementary or secondary school attended by them. The net local cost of educating such children shall include only those school operating expenses paid by the town on account of such children enumerated in section 240 and shall be computed for each school on the basis of financial reports and school enrollment figures required by and filed with the commissioner of education during each school year ending June 30th; payments shall be made to each town annually during the month of December following the end of the school year. (1957, c. 350.)

Editor's note.—The act inserting this section designated it section 237-A of this chapter. However, since P. L. 1957, c. 364, § 1, inserted sections numbered "237-A to 237-H", this section has been codified as section 237-I.

Sec. 240. Unexpended balances.—The unexpended balance of all moneys raised by administrative units or received from the state for general-purpose aid shall be forwarded and credited to the same school resources for the ensuing year. (R. S. c. 37, § 206. 1945, c. 350, § 21. 1953, c. 204, § 8. 1957, c. 364, § 97.)

Effect of amendment. — The 1957 amendment rewrote this section.

Sec. 241. When returns not filed.—Whenever the information required for the purposes of section 108 and sections 235 to 240, inclusive, is not available because of the failure of the administrative unit, through its officers, to make the returns required by law, or because of the loss or destruction of the school records of an administrative unit, the commissioner may use as a basis for apportionment numbers on which the apportionment for said administrative unit was made for the preceding year less 10%. But no apportionment as provided by said sections shall be paid to any administrative unit by the treasurer of state until returns required by law have been filed with the said commissioner. (R. S. c. 37, § 207. 1945, c. 47, § 1; c. 350, § 22; c. 378, § 46. 1957, c. 364, § 98.)

Effect of amendment. — The 1957 amendment substituted "administrative unit" for "town".

Sec. 242. Apportionments.—All apportionments to administrative units, 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. In the case of administrative units that are obligated to make payments to the Maine school building authority prior to December 1st 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. A municipality or community school district obligated to make payments to the Maine school building authority on December 1st of any given year may apply in writing through its municipal officers or its board of trustees to the commissioner of education setting forth the amount due, the date due, and the name of the trustee of the Maine school building authority and their statement that they desire that the amount thus specified be paid out of moneys apportioned to municipalities or community school districts be paid directly to the trustee therein designated prior to the due date. If the commissioner and the treasurer of the state approve the request, the amount therein specified shall be paid directly to the trustee named prior to the due date, notwithstanding any other limitations contained in this section. Requests for such direct payment shall be made during the year in which such payment is due on or after September 15th but no later than November 1st. (1945, c. 350, § 24. 1949, c. 48. 1951, c. 124. 1955, c. 65. 1957, c. 300; c. 364, § 99.)

Effect of amendments. — The 1955 amendment substituted “administrative units” for “cities, towns, plantations, community school districts”. It also struck out apportionments to “academies and institutes” which appeared in the first sentence. The first 1957 amendment added the last three sentences. The second 1957 amendment made the proviso added in 1955 a separate sentence and

Maine School Building Authority.

Sec. 244. Purpose.—A general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to aid in the provision of public school buildings in the state, the “Maine School Building Authority,” as heretofore created, is authorized and empowered to construct, acquire, alter or improve public school buildings and to issue revenue bonds of the authority, payable from rentals to finance such buildings and when paid for by said rentals to convey them to the lessee towns or other administrative units. (1951, c. 405, § 1. 1957, c. 364, § 100.)

Effect of amendment. — The 1957 amendment added “or other administrative units” at the end of the section.

Sec. 246. Organization of authority.—The “Maine School Building Authority,” heretofore created and established a body corporate and politic, is constituted a public instrumentality of the state, and the exercise by the Authority of the powers conferred by the provisions of sections 243 to 259, inclusive, shall be deemed and held to be the performance of essential governmental functions. The Maine School Building Authority shall consist of 8 members, including the governor, the commissioner of education, one member of the committee on education to be appointed by the president of the senate, and one member of the state board of education to be appointed by the governor, to serve during their incumbency in said offices, and 4 members at large appointed by the governor for a period of 5 years, and said Authority shall constitute a body corporate and politic. The appointment by the president of the senate shall be in writing and it shall be filed in the office of the secretary of state. A vacancy in the office of an appointive member, other than by expiration, shall be filled in like manner as an original appointment, but only for the remainder of the term of the retiring member. Appointive members may be removed by the governor and council for cause. Members of the Authority appointed by the governor shall hold their respective

offices until their successor is appointed and qualified. All members appointed by the governor and the member appointed by the president of the senate shall take the oath required of civil officers by the constitution and make return of same to the office of the secretary of state. The commissioner shall be chairman of the Authority. The Authority shall elect one of its members as vice-chairman, and shall also elect a secretary and treasurer who need not be a member of the Authority, to serve at the pleasure of the Authority. The secretary and treasurer shall be bonded as the Authority shall direct. Five members of the Authority shall constitute a quorum and the affirmative vote of 4 members shall be necessary for any action taken by the Authority. No vacancy in the membership of the Authority shall impair the right of the quorum to exercise all rights and perform all the duties of the Authority.

All members of the Authority shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties and all members, except the governor and the commissioner of education, shall receive, in addition, \$10 per day for services actually rendered. (1951, c. 405, § 1. 1953, c. 290, § 1; c. 352. 1957, c. 362, § 1.)

Effect of amendment. — The 1957 amendment changed the total number of members from 7 to 8 and changed the number of members at large from 3 to 4. It also inserted the third, sixth and seventh sentences of the first paragraph.

Editor's note.—P. L. 1957, c. 362, which amended this section, provided in § 2

thereof as follows: "The additional appointed member, added by section 1 of this act, shall be appointed by the governor for a period of 2 years from the effective date of this act, and thereafter the appointment shall be for a period of 5 years."

Sec. 248. Powers.

V. To construct or acquire, extend, enlarge, repair or improve school projects at such locations within the state as may be determined by the authority, when the superintending school committee of any town or the community school committee of a community school district or the school directors of any school administrative district has certified the need therefor to the municipal officers of such town or the trustees of such community school district or to the authority together with their recommendation for the procurement of new, additional or different public school buildings, and such recommendation has been approved by such municipal officers or trustees or by the board; (1953, c. 290, § 2. 1957, c. 364, § 101)

XIII. To accept from any authorized agency of the federal government loans or grants for the planning, construction or acquisition of any project and to enter into agreements with such agency respecting any such loans or grants, and to receive and accept aid and contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purpose for which such loans, grants or contributions may be made. Whenever any such funds are available for distribution for school construction, including projects not financed by the authority, the authority or the agency designated by the commissioner is authorized to receive such funds, and disburse them in accordance with the provisions of the act which made them available. Funds allocated under the provisions of section 237-H are to be considered as state matching funds where federal legislation requires such state matching of federal grants.

The authority is empowered to make an additional grant to administrative units extending school opportunities to children living in unorganized territory by adding to the grant as determined above the percentage thereof ascertained by dividing the number of pupils enrolled from unorganized territory on April 1st preceding by the total enrollment reported in the latest annual report required under the provisions of section 71. The authority shall certify, not later than June 30th of each year, to the controller, and the treasurer of state shall pay

to the several administrative units, that percentage of the total allocations previously established, which will distribute equitably and with due regard to local financing exigencies the funds available. (1953, c. 290, § 4. 1957, c. 364, § 101)

XIII-A. As funds may be made available for the purpose, to supplement, on a grant basis, lease agreements with those administrative units 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 under 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 administrative units under this subsection shall be made only as supplementary financial aid to those administrative units 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. 1957, c. 364, § 102)

Effect of amendments. — The 1955 amendment added subsection XIII-A. The first 1957 amendment made subsection V applicable to school directors of school administrative districts, inserted "or to the authority" and substituted "or" for "and" preceding "by the board" in subsection V, and rewrote subsection XIII. The second 1957 amendment substituted "administrative units" for "towns" in subsection XIII-A.

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

Sec. 249. Contracts with administrative units. — The authority may authorize any administrative unit, subject to the supervision and approval of the authority, to design and construct any project and to acquire necessary land, furnishings and equipment therefor. Any administrative unit is authorized to convey to the authority property, rights, easements and any other interests, which may be necessary or convenient for the construction and operation of any project and upon such terms as may be agreed upon between the authority and administrative unit. Any administrative unit, notwithstanding the prior creation of a school district coterminous with said administrative unit may contract with the authority for the lease or use of any project financed under the provisions of sections 243 to 259, inclusive, for such period and for such consideration and on such terms and conditions as such administrative unit and the authority shall determine to be in the public interest, and all rentals or other charges provided by any such contract to be paid for the lease or use of such project shall be deemed to be current operating expenses of the administrative unit, but shall be excluded in the computation for state school subsidy. If an administrative unit shall be delinquent in its payments to the authority, the department shall make payment to the authority in lieu of such administrative unit from any amounts properly payable to such administrative unit by such department, not exceeding the amount then presently due to the authority from such administrative unit. If the amounts properly payable to such administrative unit shall be less than the amount then presently due to the authority from such community school district, the department shall make payment of the balance to the authority from the amounts properly payable to the participating towns in such community school district, the amount to be withheld from each of said towns to be such portion of the balance as that town's state valuation bears to the total state valuation of all the participating towns.

No contract, lease or agreement between an administrative unit and the authority shall be valid unless first approved by the vote of a majority of the inhabitants of such town or of each town involved in the case of a community school district or school administrative district voting on this question. Notwithstanding the provisions of any other law, any delay in the actual completion of a project beyond the date as estimated by the authority for such completion or any damage to or destruction of the whole or any portion of any project shall not operate to relieve the administrative unit of its obligation to pay the rentals and other charges as

provided in such contract, lease or agreement. Any such contract, lease or agreement heretofore entered into in accordance with the provisions of this section is ratified and confirmed. (1951, c. 405, § 1. 1953, c. 290, § 5. 1957, c. 364, § 103.)

Effect of amendment. — The 1957 amendment substituted “administrative unit” for “town or community school district” throughout this section, inserted “or school administrative district” in the last paragraph, and made other minor changes.

Sec. 254. Transfer to towns.—When the bonds issued under the provisions of sections 243 to 259, inclusive, in connection with any project and the interest thereon shall have been paid or a sufficient amount for the payment of such bonds and the interest thereon to the maturity thereof shall have been set aside in trust for the benefit of the bondholders, such project shall be conveyed by the authority to the lessee administrative unit. (1951, c. 405, § 1. 1957, c. 364, § 104.)

Effect of amendment. — The 1957 amendment inserted “administrative unit” for “town or community school district”.

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 states 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,