

# MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

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1961 CUMULATIVE SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES

VOLUME 2

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**Discard Previous Pocket Part Supplement**

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1961

the bureau." P. L. 1961, c. 394, § 20, repealed and re-enacted the section as presently set out, the effect of which was to substitute "hearing officer as designated in chapter 20-A" for "mining bureau" at the end of the fifth sentence of the first paragraph, to substitute "appellate review" for

"appeal" in the last sentence of such paragraph as amended by P. L. 1961, c. 317, § 82, to re-enact the former third paragraph without change as the present second paragraph, and to delete the former second, fourth and last paragraphs.

**Sec. 12. Rights acquired prior to effective date of act.**—All holders of claims duly recorded prior to the effective date of this act shall be required, insofar as may be consistent with their existing rights, to comply with the provisions of this chapter within one year from said effective date. (1957, c. 293, § 2.)

**Effective date.**—The effective date of the act inserting this section is August 28, 1957.

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## Chapter 40.

### Maine Mining Bureau.

**Secs. 1-14.** Repealed by Public Laws 1955, c. 409, § 2.

**Cross reference.**—See c. 39-B for present provisions re Maine mining bureau.

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## Chapter 41.

### Department of Education.

- Section 13-A. Physical Examination of School Bus Operators.
- Sections 28- 75. Duties of Administrative Units.
- Sections 77- 88. School Supervisory Units.
- Sections 98-111. Approval and Accreditation of Secondary Schools.
- Sections 111-A to 111-E-1. School District Commission.
- Sections 111-F to 111-U-1. Organization of School Administrative Districts.
- Section 121-A. Summer Schools.
- Sections 183-A to 183-F. Privately Owned Correspondence Schools.
- Sections 195-A to 195-Q. Vocational Rehabilitation.
- 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 218-D to 218-E. Training of Firemen.
- Sections 219-222. School Lunch and Special Milk Program.
- Sections 222-A to 222-D. National Defense Education Program.
- Section 242-A. Children at Private Tax-exempt Institutions.
- Section 242-B. Sick Leave for Teachers.

### 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 \$14,000 per year. The commissioner shall be executive officer and ex officio secretary of the board. (1949, c. 349, § 68; c. 403, § 2. 1951, c. 412, § 12. 1955, c. 473, § 13-A. 1957, c. 418, § 15. 1959, c. 369.)

**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 ‘commissioner,’” 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.

The 1959 amendment increased the maximum salary of the commissioner from \$11,250 to \$14,000 per year.

## Sec. 11. Duties.

### VII.

It is further provided that a course in geography and the natural and industrial resources of Maine shall be taught in at least one grade from 7 to 12, inclusive, in all school systems, both public and private. (1949, c. 276. 1951, c. 120. 1955, c. 300)

**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)

**XIII. State teachers’ colleges.** To supervise the state teachers’ colleges; (1949, c. 349, § 69. 1961, c. 387, § 1) (1955, c. 300. 1957, c. 364, §§ 2, 3. 1961, c. 387, § 1.)

**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.

The 1961 amendment deleted "normal schools and" following "state" in subsection XIII.

As the rest of the section was not affected by the amendments, it is not set out.

**Quoted**, as to subsection VII, in *Squires v. Inhabitants of Augusta*, 155 Me. 151, 153 A. (2d) 80.

**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 cooperative 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. 11-B. Department of education authorized to join educational organizations.**—The department of education as a state agency may join educational organizations and associations, both within and outside the state, when in the judgment of the commissioner such membership will increase the efficiency or progress of education within the state. (1961, c. 180.)

**Sec. 11-B-1. State authorized to accept provisions of Federal acts providing for school construction assistance; to comply with laws and regulations.**—The state is authorized to accept any act of congress providing for financial assistance to states for the construction of school facilities or other purposes and, if accepted, will comply with all the provisions of the said act of congress, including any regulations published by the United States department of health, education and welfare under such act which have the force of law when published in the federal register. (1961, c. 264, § 1.)

**Editor's note.**—P. L. 1961, c. 264, § 1, ready been pre-empted by P. L. 1961, c. designated this section as § 11-B of chapter 180, this section has been assigned the number 41. Since the number "11-B" had already been assigned to § 11-B-1.

**Sec. 11-C. State board of education designated state agency.**—The state board of education is designated as the sole agency for administering the funds allotted under any federal act providing for financial assistance in the construction of school facilities, and it is authorized to make such certifications to the United States commissioner of education as are necessary to entitle the state to receive the benefits of such act, including the authority to elect that any portion of such a federal allotment be in the form of a commitment by the federal government to make direct payments of interest and principal on debts of local agencies for the construction of school facilities. (1961, c. 264, § 1.)

**Sec. 11-D. Treasurer of state designated custodian of funds received.**—The treasurer of state is designated as custodian for all moneys received by the state from appropriations allotted under the authority of such a federal act providing for financial assistance for constructing school facilities. Said treasurer is authorized to receive and to provide for the proper custody of

such funds and to make disbursements therefrom upon the order of the state board of education, its executive officer or other legal authority. (1961, c. 264, § 1.)

**Sec. 11-E. Appropriations authorized.** — Where federal law requires matching by state funds, the state board of education is authorized to estimate the appropriations necessary to comply with the requirements of the federal law and to include such estimates in the budget request of the state department of education for appropriations to be made by the legislature. Nothing in sections 11-B-1 to 11-E shall be construed as obligating the state to make such appropriations if the legislature, in its judgment, shall deem it in the best interests of the state not to make such appropriations and to waive, thereby, any allotments of federal funds the allotment of which is contingent upon such state appropriations. To the maximum extent possible under any federal act, school construction assistance presently authorized and paid under section 237-H shall be considered as state funds used to match federal funds. (1961, c. 264, § 1.)

**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.

### Physical Examination of School Bus Operators.

**Sec. 13-A. Physical examination of school bus operators.**—No person shall operate a school bus with a seating capacity of 10 or more persons in the actual conveyance of school children until he shall have passed such annual physical examination as the state board of education shall prescribe to determine his physical fitness. (1959, c. 30.)

### Location of Schools.

**Sec. 14. Location of schools; schools with few scholars suspended; conveyance; board; provisions when elementary schools suspended or closed.**

When a superintending school committee suspends or the voters of an administrative unit authorize the closing of all elementary schools within an administrative unit under this section, the superintending school committee shall make provision for the education of the children at a nearby administrative unit and the sending administrative unit shall pay the tuition charge to the receiving administrative unit. (R. S. c. 37, § 8. 1949, c. 199, § 1. 1961, c. 366, § 1.)

**Effect of amendment.**—The 1961 amendment added the above paragraph to this section. As the first two paragraphs of this sec-

tion were not affected by the amendment, they are not set out.

Quoted in *Squires v. Inhabitants of Augusta*, 155 Me. 151, 153 A. (2d) 80.

**Sec. 14-A. School bus shelters.**—School bus shelters for school children, when approved by the superintending school committee of the town in which they are located may, notwithstanding the 50 feet from the nearer line of the traveled way provision of chapter 23, section 142, be placed or maintained outside the right-of-way and at least 33 feet from the center line of any highway and carry not more than 2 panels on the sides thereof for the identification of sponsors. No such panel shall exceed 32 square feet or extend beyond the sides of such shelter and at least 60% of its area must be devoted to public service, safety or other noncommercial use. Each such shelter shall, to the satisfaction of the superintending school committee, be constructed of steel or other durable material, with concrete floor raised above ground level, kept clean, well painted or otherwise suitably maintained at all times and kept free from snow, or the committee may order its removal. (1961, c. 252.)

**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 administrative unit 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 within 30 days 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 shall, when appeal is taken, include in the complaint a statement 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. An appeal may be taken to the law court as in other actions.

Upon final determination of the location of said lot the clerk of the administrative unit, 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; c. 443, §§ 4, 5. 1959, c. 317, §§ 13-15.)

**Effect of amendments.** — The first 1957 amendment rewrote this section. The second 1957 amendment substituted the words "administrative unit" for the word "town" in the fifth sentence of the first paragraph. The third 1957 amendment substituted the words "administrative unit" for the word "town" formerly appearing after the word "the" and before the word "clerk" in the second paragraph. P. L. 1957, c. 443, §§ 4, 5, became effective January 16, 1958.

This section was amended three times by P. L. 1959, c. 317. Section 13 of P. L. 1959, c. 317, substituted the words "within 30 days" for the words "at the next regular term of said court", formerly appearing after the word "county" and before the word "following" in the sixth sentence of

the first paragraph. Section 14 rewrote the ninth sentence of the first paragraph. Section 15 replaced the last sentence of the first paragraph.

**Effective date and applicability of Public Laws 1959, c. 317.** — Section 420, chapter 317, Public Laws 1959, provides as follows: "This act shall become effective December 1, 1959. It shall apply to all actions brought after December 1, 1959 and also to all further proceedings in actions at law or suits in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail."

**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 amendment substituted "administrative unit" for "town" and substituted "officers" for "selectmen".



**Sec. 18. Notice of appraisal 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 directors of any school administrative district" "town" and made other minor changes.

**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 may be appealed from by any interested party aggrieved by such determination to the superior court as provided under section 16. (R. S. c. 37, § 16. 1957, c. 364, § 8. 1959, c. 245.)

**Effect of amendments.** — The 1957 amendment substituted "administrative unit" for "town". "shall be final", formerly appearing at the end of the section, and added all of the language after the word "unit", near the end of the section.

The 1959 amendment deleted the words

**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 unit defined; 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; c. 443, § 6.)

**Effect of amendments.** — The first 1957 amendment made this section into three sentences, inserted "or districts" in the first sentence and substituted "administrative unit" for "town" throughout the

section. The second 1957 amendment, which became effective January 16, 1958, substituted the word "district" for the word "districts" in the first sentence.

**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 237-C, subsection II. 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 secondhand books shall be purchased for the use of any school, and whoever violates this provision shall forfeit not exceeding \$500, to be recovered in a civil action 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 237-C, subsection II. (R. S. c. 37, § 29. 1953, c. 204, § 1. 1957, c. 364, § 14; c. 443, § 7. 1961, c. 317, § 84.)

**Effect of amendments.** — The first 1957 amendment substituted "administrative units" for "towns" and made other minor changes. The second 1957 amendment, which became effective January 16, 1958,

substituted "section 237-C, subsection II" for "section 240" twice in this section.

The 1961 amendment substituted "a civil action" for "an action of debt" in the first paragraph of this section.

**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.** Repealed by Public Laws 1957, c. 443, § 8.

**Effective date.**—The 1957 act repealing this section became effective on its approval, January 16, 1958.

**Sec. 39.** Repealed by Public Laws 1957, c. 443, § 9.

**Effective date.**—The 1957 act repealing this section became effective on its approval, January 16, 1958.

**Sec. 40. Schools under direction of committee or school directors; rules and regulations.**—The schools referred to in section 37 shall be under 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 or school directors 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; c. 443, § 10.)

**Effect of amendments.** — The first 1957 amendment inserted “or school directors” near the beginning of the section. The second 1957 amendment, which became effective January 16, 1958, substi-

tuted “section 37” for “sections 37 to 39, inclusive”, and added the words “or school directors” after the words “committee” and before the word “may” in the first sentence of this section.

**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, provided 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; c. 443, § 11.)

**Effect of amendments.** — The first 1957 amendment substituted “administrative units” for “towns and plantations” and made a former proviso into a separate

sentence. The second 1957 amendment, which became effective January 16, 1958, combined the former two sentences into one sentence.

**Sec. 43. Transportation, board, or tuition 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. The commissioner is also authorized to reimburse a town for tuition payments for the education of children who reside with a parent on state-owned property located in towns of less than 100

inhabitants when such towns do not maintain a school within the town. (R. S. c. 37, § 38. 1951, c. 369. 1955, c. 69. 1957, c. 364, § 21; c. 377, § 1-A; c. 443, § 12. 1959, c. 64.)

**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 present third sentence. The third 1957 amendment, which became effective January 16,

1958, re-enacted that sentence without change.

The 1959 amendment added the present last sentence to this 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.”

**Quoted** in *Squires v. Inhabitants of Augusta*, 155 Me. 151, 153 A. (2d) 80.

**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.

Notwithstanding the foregoing provisions of this section, summer schools operated by public school administrative units may charge tuition, not exceeding the school’s per capita cost for the preceding summer. The per capita cost shall be determined in accordance with regulations established by the state board of education. In the first summer of its operation a school’s tuition rate shall not exceed the average cost per pupil in all approved public summer schools of the state for the preceding summer. The tuition rate in a public summer school shall be the same for all pupils in attendance at that school who are legal residents of Maine. (R. S. c. 37, § 39. 1945, c. 160. 1955, cc. 63, 365. 1957, c. 364, § 22. 1961, c. 109.)

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

The 1961 amendment, effective on its approval, March 17, 1961, added the last paragraph to this section.

**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. Notwithstanding the foregoing, a town may vote at its annual meeting to have 5 members of the superintending school committee and may choose by ballot 3 additional superintending school committee members to serve with the 2 members whose terms have not expired and shall fill vacancies arising therein at each subsequent annual town meeting. The 3 members thus chosen shall designate by lot one member to serve 2 years and 2 members to serve 3 years, and they shall certify such designation to the town clerk to be by him recorded, and thereafter the members shall be chosen by ballot at the annual meeting 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. In such cases the superintending school committee shall designate 3 of its members to serve on the joint committee of the school union and they shall be empowered to designate any one member of the 3 so designated to act for the entire committee. The total vote or votes cast by such member or members at any meeting of the joint union committee shall not exceed 3. If any town has accepted chapter 90-A, section 37, relative to secret ballot, it may, at least 30 days before the annual town meeting, hold a special town meeting to vote to have 5 members of the superintending school committee. (R. S. c. 37, § 41. 1957, c. 364, § 22-A. 1961, c. 263.)

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

section."

The 1961 amendment added all of this section following the first sentence.

**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. **Stated** in *Squires v. Inhabitants of Augusta*, 155 Me. 151, 153 A. (2d) 80.

**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 sec-

tion 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 funds have been duly appropriated. (R. S. c. 37, § 52. 1957, c. 364, § 28. 1959, c. 175.)

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

The 1959 amendment substituted the words "funds have been duly appropriated"

for the words "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", formerly appearing after the word "provided" at the end of the section.

**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, tonsillitis, 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 commit-

tee 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 amendment made this section applicable 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. 64. Expense that may be incurred by city or town.**—Expenses which a city or town may incur by virtue of the authority vested in the superintending school committee shall not exceed the amount appropriated for that purpose in cities by the city government and in towns by a town meeting under section 237-C, sub-§ II. The appropriation shall precede any expenditure under the 7 preceding sections and the sum appropriated shall be deemed sufficient appropriation in the municipality where it is made. Such appropriation need not specify to what section it shall apply and may be voted as a total appropriation to be applied in carrying out the purposes of sections 57 to 64, inclusive. (R. S. c. 37, § 59. 1953, c. 204, § 3. 1959, c. 363, § 27.)

**Effect of amendment.**—The 1959 amendment struck out the word “herein”, formerly appearing after “authority” in the second line of this section, and substituted “section 237-C, sub-§ II” for the words “the provisions of section 240”, formerly appearing at the end of the first sentence.

**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 administrative units” for “towns” and amendment inserted “or school directors” substituted “subsection II of section 237- 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 in-

volved. (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 shall, upon the election of a superintendent of schools as provided by sections 78 and 79, 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 to any superintendent of schools shall not exceed \$1,350 in one year nor shall any superintendent of schools receive less than \$1,150 per year. The commissioner annually shall cause an investigation to be made of the conditions of supervision in supervisory units, 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 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. Whenever any person, while employed as a superintendent of schools, completes courses providing additional professional training which are approved by the commissioner, the commissioner, at intervals of not more than twice a year, may recommend to the governor and council that assistance be furnished such superintendents, and upon approval of these recommendations by the governor and council, the state controller may draw a warrant for payment out of the appropriation for superintendence of such payments as are recommended. (R. S. c. 37, § 71. 1945, c. 350, § 4. 1947, c. 404. 1949, c. 349, § 71. 1951, c. 266, § 57. 1957, c. 364, § 40; c. 443, §§ 13, 14. 1961, c. 366, § 1-A.)

**Effect of amendments.** — The first 1957 amendment made this section applicable also to school directors of school administrative districts, and to administrative and supervisory units in lieu of town and school unions. P. L. 1957, c. 443, which became effective on its approval, January 16,

1958, amended this section two times. Section 13, of P. L. 1957, c. 443, rewrote the first sentence. Section 14 rewrote the fourth and fifth sentences.

The 1961 amendment added the present last sentence.

**Sec. 81. Towns and cities having 75 teachers need not unite; report; removal from existing union.**—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.

When a town having more than 75 teachers under its care and custody shall remove itself from an existing school union composed of not more than 2 towns, the remaining town shall, with the consent of its school committee members and the state board of education, be treated as though said remaining town had more than 75 teachers under its care and custody, provided that said remaining town has more than 40 teachers under its care and custody. (R. S. c. 37, § 72. 1947, c. 381. 1955, c. 210. 1957, c. 364, § 41. 1959, c. 150.)

**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 1959 amendment added the last paragraph.

**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 237-C, subsection II. (R. S. c. 37, § 75. 1953, c. 204, § 5. 1957, c. 364, § 42; c. 443, § 15.)

**Effect of amendments.** — The first 1957 amendment substituted “administrative units” for “towns”. The second 1957 amendment, which became effective January 16, 1958, amended the section by substituting “section 237-C, subsection II” for “section 240” at the end of the section.

**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 units” 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. After a probationary period of 3 years, any teacher, who receives notice in accordance with this section that his contract is not going to be renewed, may during the 15 days following such notification request a hearing with the school committee or governing board. He may request reasons. The hearing shall be private except by mutual consent and except that either or both parties may be represented by counsel. Such hearing must be granted within 30 days of the receipt of the teacher's request. 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. 1959, c. 248.)

**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. 1959, c. 248.)

**Effect of amendments.** — The 1957 amendment made this section applicable to boards of school directors and to school administrative districts and units, and made other minor changes. The 1959 amendment added the third through the sixth sentences to subsection V of this section.

**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 a civil action 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. 1961, c. 317, § 85.)

**Effect of amendments.** — The 1957 amendment substituted “administrative unit” for “town” or “towns”.

The 1961 amendment substituted “a civil action” for “an action of debt” in the first sentence of this section.

### Compulsory Education.

**Secs. 89-91.** Repealed by Public Laws 1959, c. 342, § 13.

**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 any person having control of a child who is an habitual truant as defined in section 95 and being in any way responsible for such truancy, and any person who induces a child to absent himself from school, or harbors or conceals such child when he is absent, shall be punished by a fine of not more than \$25 or by imprisonment for not more than 30 days for each offense. 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. 1961, c. 366, § 2.)

**Effect of amendments.** — 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”.

The 1961 amendment rewrote the present sixth sentence of this section.

**Quoted** in *Squires v. Inhabitants of Augusta*, 155 Me. 151, 153 A. (2d) 80.

**Cited** in *Squires v. Inhabitants of Augusta*, 155 Me. 151, 153 A. (2d) 80.

**Sec. 93. Children to attend school in adjoining administrative unit; 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 approved 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. When an administrative unit adjacent to an administrative unit in another state has too few scholars for the profitable maintenance of an elementary school or when pupils live remote from any public elementary school in an administrative unit in which they reside, the superintendent school committee or school directors may pay tuition and provide conveyance to a school in an administrative unit adjacent to the state of Maine in another state. It shall be the duty of any superintending school committee, community school committee or board of school directors to accept tuition pupils from any nearby administrative unit that has a total April 1st resident pupil count of 10 or less pupils when so requested by the state board of education. 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. 1959, c. 353, § 1. 1961, c. 114.)

**Effect of amendments.** — The 1955 amendment rewrote the present fourth sentence.

The 1957 amendment substituted "administrative unit" for "town" and inserted "or school directors" throughout

this section.

The 1959 amendment added the third sentence to this section.

The 1961 amendment inserted the present second sentence.

**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 237-C, subsection II. 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; c. 443, § 16.)

**Effect of amendments.** — The first 1957 amendment made the former first sentence into four sentences and the former second sentence into two sentences, made the section applicable to school directors, substituted "administrative unit" for "city and town" throughout the section, and substituted "annual election" for "annual

meeting of town" in the next to the last sentence. The second 1957 amendment, which became effective January 16, 1958, substituted the words "section 237-C, subsection II" for the words "section 240" at the end of the next to last sentence of this section.

**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, or failing to attend school, without regular and lawful occupation, and growing up in ignorance, he shall be deemed an habitual truant and subject to the penalties provided in chapter 152-A. (R. S. c. 37, § 86. 1949, c. 49. 1957, c. 364, § 51. 1961, c. 366, § 3.)

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

The 1961 amendment rewrote the first sentence of this section and deleted a portion of such first sentence, including the changes made by the 1957 amendment, and the second sentence.

**Sec. 96.** Repealed by Public Laws 1961, c. 366, § 4.

**Cross Reference.**— For present provisions as to punishment of persons responsible for truancy, see § 92.

**Sec. 97. Habitual truants committed to state institutions; warrants.**—Municipal courts and trial justices shall have jurisdiction of the offenses described in sections 92 and 94. All warrants issued by said court or trial justices 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 this section and said sections 92 and 94, 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 92 and 94 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. 1959, c. 342, § 14. 1961, c. 366, § 5.)

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

The 1959 amendment deleted the former first sentence relating to committing

habitual truants to state institutions on complaint and also deleted references to such complaint from the present first and second sentences.

The 1961 amendment deleted references to § 96 in three places and inserted the reference to § 92 in the last sentence.

### Approval and Accreditation of Secondary Schools.

**Sec. 98. Approval and accreditation of secondary schools.**—The secondary schools of this state shall be evaluated for basic approval and may be evalu-

ated for accreditation. No school shall be given basic approval for attendance, tuition or subsidy purpose within the provisions of this chapter unless it meets the following requirements:

- I. It maintains a course of study approved by the commissioner of education.
- II. It has a school day of sufficient length to allow 200 minutes per week for each period in the basic schedule.
- III. It has a minimum school year of 180 legal school days.
- IV. It employs one or more certified or licensed teachers for each two grades of its organization.
- V. It has a pupil-teacher ratio of not more than 30 to 1.
- VI. It has safe and hygienic facilities, adequate equipment and supplies, all of which comply with the regulations established by the state department of health and the state department of education.
- VII. **Consecutive grades.** It is organized to include not less than 2 consecutive grades from 7 to 12. A school will be classified as a junior high school when it includes any combination of 2 or more consecutive grades 7 through 10 and meets standards of organization and curriculum as established by the state board of education.
- VIII. The requirements for graduation include 16 Carnegie units earned in grades 9 through 12, inclusive, 4 of which shall be in English and one in American history.
- IX. It has adequate, safely protected records.

Any approved school may apply to the commissioner of education for recognition as an accredited school. The commissioner, with the approval of the state board of education, shall establish requirements for accreditation which shall include nationally recognized standards, including quality of instruction, school facilities and curriculum content. The commissioner shall appoint an advisory committee consisting of professional and lay persons to assist in the development of these standards. No school shall be accredited until it has been evaluated by a committee qualified to appraise its functions and the success attending its program. (R. S. c. 37, § 89. 1955, c. 369, § 1. 1957, c. 364, § 53. 1961, c. 174, § 1.)

**Effect of amendments.**—P. L. 1955, c. 369, § 1, which will become effective July 1, 1960, rewrote this section.

The 1957 amendment, which inserted "administrative unit" for "town or union" and made other minor changes in this section as it read prior to the 1955 amend-

ment, is not given effect in the section as set out above.

The 1961 amendment substituted "7 to 12" for "8 to 12, inclusive" at the end of the first sentence of subsection VII and added the present second sentence of that subsection.

**Sec. 98-A. Junior high school defined.** — A junior high school 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. Any combination of 2 or more consecutive grades, 7 through 10, as defined in section 98, 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 an approved or accredited high school as defined in section 98. Any approved junior high school may apply to the commissioner of education for recognition as an accredited school. (1961, c. 174, § 2.)

**Sec. 99. Administrative units not obliged to pay tuition; exception.** —An administrative unit maintaining an approved secondary school as defined in section 98 shall not be required to pay tuition for any pupil, until he has completed that part of the course or the equivalent thereof of said school approved

by the commissioner, except as provided by section 107. (R. S. c. 37, § 90. 1945, c. 214. 1955, c. 369, § 2. 1957, c. 364, § 54. 1959, c. 259, § 1.)

**Effect of amendments.** — P. L. 1955, c. 369, § 2, which provides it shall become effective July 1, 1960, rewrote this section.

The 1957 amendment, which did not refer to or give effect to the 1955 amendment, substituted "an administrative unit" for "a town or union".

The 1959 amendment, effective July 1, 1960, referred to the 1955 and 1957 amendments and re-enacted the section as rewritten by the 1955 amendment but substituted "administrative unit" for "a town or union."

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

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

**Sec. 101. Free high schools; conveyance or board; gifts, bequests and funds surrendered by academies; state aid; misapplication of money.**—Any administrative unit may establish and maintain free high schools. 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 a civil action, 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. 1961, c. 317, § 86; c. 366, § 6.)

**Effect of amendments.** — 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.

Chapter 317, P. L. 1961, substituted "a civil action" for "an action of debt" in the eighth sentence of this section. Chapter

366, P. L. 1961, deleted "except school administrative districts" near the beginning of the first sentence, deleted "not exceeding two" preceding "free high schools" in that sentence and deleted "and in such

case shall receive the same state aid as if the expenditure for both schools had been made for one" at the end of that sentence.

Cited in *Squires v. Inhabitants of Augusta*, 155 Me. 151, 153 A. (2d) 80.

**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 approved secondary schools.**—Any administrative unit which does not maintain an approved secondary school may authorize its superintending school committee to contract for one 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 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 1, 1907, the tuition liability of said administrative unit shall be the same as if an approved secondary 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-E. (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; c. 443, §§ 17, 18. 1959, c. 259, § 2.)

**Effect of amendments.** — This section was twice amended by the Public Laws of 1955. Chapter 233, § 1, substituted "nearby" for "adjoining" in two places in the first sentence and rewrote the former second sentence, dividing it into two sentences. Chapter 369, § 4, which provides it shall become effective July 1, 1960, and which did not refer to or give effect to chapter 233, § 1, substituted "an approved secondary school" for "a free high school of secondary grade" in the first sentence and added "fiscal" before "year" in the second sentence as it appeared before the first 1955 amendment.

This section was amended by three chapters of the Public Laws of 1957. Chapter 142, § 3, which referred and gave effect to only the first 1955 amendment, inserted the words "all or part of the" preceding the word "pupils" near the end of the first sentence. Chapter 364, § 59, which referred and gave effect to only

the first 1955 amendment, again inserted "all or part of the" in the first sentence, 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. Chapter 443, which became effective on January 16, 1958, amended this section twice. Section 17 of P. L. 1957, c. 443, which referred and gave effect only to the first two 1957 amendments, re-enacted the first sentence as amended by the 1957 amendments without further change. Section 18, which referred and gave effect only to the second 1957 amendment, changed the reference at the end of the section to "section 237-E."

The 1959 amendment, effective July 1, 1960, re-enacted the section, giving effect and referring to all 1955 and 1957 amendments.

**Sec. 106. State aid.**—No administrative unit shall receive state aid under the provisions of section 105 if an approved public secondary school is maintained by such administrative unit. (R. S. c. 37, § 97. 1955, c. 369, § 5. 1957, c. 364, § 60. 1959, c. 259, § 3.)

**Effect of amendments.** — P. L. 1955, c. 369, § 5, effective July 1, 1960, 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, which did not

refer to or give effect to the 1955 amendment, substituted "administrative unit" for "town".

The 1959 amendment, effective July 1, 1960, re-enacted this section, giving effect to both the 1955 and 1957 amendments, to which it referred.



**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 whose parent or guardian maintains a home for his family in any administrative unit 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 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 refuses 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 whose parent or guardian maintains a home for his family 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 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 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 average daily membership, as reported in the preceding year, is 100 or more students, and the school offers at least 2 occupational courses, the annual tuition shall not exceed 125% of the average cost per pupil in all secondary schools of the state for the current fiscal year; except that, for schools with fewer than 100 pupils enrolled or not offering at least 2 or more occupational courses, the tuition shall not exceed the average cost per pupil in all secondary schools of the state for the current 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 in full on or before August 1st following the close of the school year. 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 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 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, for the completion of grades 9 to 12 in an approved secondary school 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 for admission to grade 9 shall be entitled to the payment of his tuition 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 this section. Any school receiving tuition pupils under 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.

In the case of any youth qualified for attendance at secondary school in accordance with the preceding paragraph, whose parent, legal guardian or person acting in loco parentis maintains a home for his family, on a Maine coast island without highway connection with the mainland in any administrative unit 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 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 maintains a home for his family on Chebeague Island, for attendance at any approved secondary school. These expenditures shall be subject to state subsidy under section 237-E. (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; c. 443, §§ 19, 20. 1959, c. 259, § 4. 1961, c. 248, § 1.)

**Effect of amendments.** — This section was twice amended by the Public Laws of 1955. Chapter 252 added the last paragraph. Chapter 369, § 6, effective July 1, 1960, which did not refer to or give effect to the first 1955 amendment, rewrote the section.

This section was amended by three chapters of the Public Laws of 1957. Chapter 364, § 61, which referred and gave effect only to the first 1955 amendment, substituted "administrative unit" for "town" throughout this section, inserted the provisions as to school directors, and made other minor changes. Chapter 377, § 1, which gave effect only to the first 1955 amendment, substituted \$353 for \$180 in the third paragraph. P. L. 1957, c. 443, which became effective January 16, 1958, amended this section twice. Section 19 of c. 443 re-enacted the next to last paragraph, giving effect to the prior 1955 and 1957 amendments except the second 1955 amendment. Section 20, which referred to the first 1955 amendment, changed the

reference at the end of the section to "section 237-E."

The 1959 amendment, effective July 1, 1960, re-enacted the section, giving effect to and referring to all the 1955 and 1957 amendments.

The 1961 amendment rewrote the first sentence of the second paragraph and substituted "and in full on or before August 1st following the close of the school year" for "and for the spring term of school on July 1st" at the end of the second sentence of that paragraph.

**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 current fiscal year; 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 teachers' salaries, fuel, janitor service, textbooks, supplies, utility services, premiums paid on insurance and 8% of the insured value of the school buildings and equipment, said sums to be taken from reports filed with the commissioner in the year for which tuition is being computed, (2) divide the total by the average daily membership of all regularly enrolled students of the preceding school year. 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; c. 443, § 21. 1961, c. 248, § 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. The third 1957 amendment, which became effective January 16, 1958, re-enacted the last sentence of the last paragraph without change.

The 1961 amendment inserted "current" preceding "fiscal year" in the second sentence, deleted "preceding that for which

the tuition is paid" following "fiscal year" in that sentence, deleted "or licensed" following "certified" in clause (1) of the third sentence, substituted "8%" for "6%" in that clause, inserted all of that clause following "equipment" and added "of the preceding school year" at the end of the third sentence.

**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.

**Sinclair Act provides for formation of school administrative districts.** — Broadly stated, the legislature has provided in the Sinclair Act, §§ 111-A to 111-U, for the formation of school administrative districts comprising two or more municipalities, on

vote of the municipalities, subject to approval of the school district commission, an administrative agency operating under principles and standards set forth in the act. *McGary v. Barrows*, 156 Me. 250, 163 A. (2d) 747.

**Sec. 111-A. Declaration of policy.**—It is 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 to 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; c. 443, § 2.)

**Effect of amendment.**—The 1957 amendment, which became effective on its approval, January 16, 1958, deleted "hereby" preceding "declared" near the beginning of this section.

**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."

P. L. 1957, c. 443, which amended §§

111-A to 111-P, provided in § 3 thereof as follows:

"Sec. 3. Intent. It is the intent of the legislature that this act shall in no way affect the tenure of office of the members of the school district commission who have been appointed under the public laws of 1957, chapter 364."

**Constitutionality.** — Sections 111-A to III-U do not violate article VIII of the constitution. *McGary v. Barrows*, 156 Me. 250, 163 A. (2d) 747.

**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, a school district commission, as heretofore established, shall consist of 5 members, one of whom shall be the commissioner of education who shall serve as secretary to the commission, the remaining 4 members 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 board 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 actual expenses necessarily incurred in the performance of their duties and, with the exception of the commissioner of education, shall receive \$10 per day for services actually rendered.

Notwithstanding the foregoing, the school district commission established under this section shall be continued until December 31, 1963, at which time their duties and responsibilities are to be assumed by the state board of education. (1957, c. 364, § 1-B; c. 443, § 2. 1961, c. 294.)

**Effect of amendments.** — The 1957 amendment, which became effective on its approval, January 16, 1958, rewrote the first and last sentences of the first paragraph of this section.

See also, In re Opinion of the Justices, 153 Me. 469, 145 A. (2d) 250.

**Function of school district commission.**—The school district commission is an administrative agency designed by the legislature to administer the Sinclair Act, §§ 111-A to 111-U, and thus to make effective the declaration of policy in this section. *McGary v. Barrows*, 156 Me. 250, 163 A. (2d) 747.

The 1961 amendment added the second paragraph.

**Quoted in** *McGary v. Barrows*, 156 Me. 250, 163 A. (2d) 747.

**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-U. A majority of the membership of the commission shall constitute a quorum for the purpose of transacting business. (1957, c. 364, § 1-B; c. 443, § 2.)

**Effect of amendment.**—The 1957 amendment, which became effective on its approval, January 16, 1958, substituted "sec-

tions 111-A to 111-U" for "sections 111-A to 111-P, inclusive."

**Sec. 111-D. Powers and duties.**—The state school district commission is 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-U, 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 ad-

ministrative districts in all organized territory of the state and to report its actions and recommendations to each regular session of the legislature on or before January 10. Sections 111-A to 111-U shall be in full force and effect whether or not such study, plans or report have been made. Said study and planning shall be directed by the commission but shall 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 further expedite this reorganization by receiving, filing, examining and approving or disapproving applications by the superintending school committees of all the municipalities wishing to establish a school administrative district.

**VI.** To further expedite the reorganization of administrative units by receiving, examining and recommending to the legislature the establishment of school administrative districts which are not eligible for commission approval under section 111-E. (1957, c. 364, § 1-B; c. 443, § 2.)

**Effect of amendment.**—The 1957 amendment, which became effective on its approval, January 16, 1958, substituted “111-U” for “111-P, inclusive” in subsection I and rewrote subsections II, V and VI. **Cited** in Opinion of the Justices, 153 Me. 216, 136 A. (2d) 508.

**Sec. 111-E. Criteria for school administrative districts.**—The school district commission may approve the formation of school administrative districts which had at least 300 resident secondary pupils educated at public expense in grades 9 through 12 as indicated in the last returns made to the commissioner of education under section 71.

The school district commission may, in addition, approve the formation of a school administrative district from any community school district existing on April 1, 1957 which has been formed under the general law or by special legislative charter and was operating a school on April 1, 1957, which offered a program of education for grades 9 through 12, irrespective of the number of resident pupils educated at public expense in grades 9 through 12 as indicated in the last return made to the commissioner of education under section 71.

The school district commission may in addition to the power conferred in the preceding paragraph approve the formation of a school administrative district from any community school district existing on April 1, 1957, which has been formed under the general law or by special legislative charter and was operating a school on April 1, 1957, which offered a program of education in grades 9 through 12 along with any other municipality or municipalities which desire to join with the area within any existing community school district, irrespective of the number of resident pupils educated at public expense in grades 9 through 12 as indicated in the last return made to the commissioner of education under section 71.

The school district commission may, in addition to the power conferred in this section, approve the formation of a school administrative district which had not less than 50 resident secondary pupils educated at public expense in grades 9 through 12 as indicated in the last return to the commissioner under section 71, provided that on the date of the approval there was on file with the commission a contract offer duly authorized and executed running to the proposed school ad-

ministrative district from a municipality having 100 or more resident pupils educated at public expense in grades 9 through 12 as indicated on the last return to the commissioner under section 71, to take and educate all pupils in grades 9 through 12 in the proposed school administrative district for a period of from 5 to 20 years. Provided that in combination with the proposed school administrative district the total number of resident high school pupils to be educated in grades 9 through 12 exceeds 300. (1957, c. 364, § 1-B; c. 443, § 2. 1959, c. 353, § 2. 1961, c. 96, § 1.)

**Effect of amendments.**—The 1957 amendment, which became effective on its approval, January 16, 1958, rewrote this section.

The 1959 amendment added a new paragraph at the end of the section.

The 1961 amendment, which became effective on its approval, March 14, 1961, and which amended the present last paragraph, deleted "of education" twice fol-

lowing "commissioner", deleted "more than 299 nor" following "not" and before "less" near the beginning of that paragraph and inserted "from 5 to" preceding "20 years" at the end of the first sentence of that paragraph.

**Cited in Opinion of the Justices,** 153 Me. 216, 136 A. (2d) 508; *McGary v. Barrows*, 156 Me. 250, 163 A. (2d) 747.

**Sec. 111-E-1. Special secondary school contracts.**—Where a school administrative district is proposed to be formed under the provisions of the last paragraph of section 111-E, a municipality having 100 or more resident pupils, educated at public expense, in grades 9 through 12 as indicated on the last return to the commissioner of education under section 71, acting through its school board or superintending school committee, shall be authorized to make a contract offer to a proposed school administrative district, provided that said school board or superintending school committee has been authorized to make such contract offer by the city council, if the municipality is a city, or by the legislative body of a town, if the municipality is a town, in accordance with their respective city charters, town charters or under the general law relating to towns.

The contract offer shall be reduced to writing and signed by the school board or superintending school committee or some one acting under their authority and shall include but not be limited to the following: It shall contain a provision that the offer may not be revoked for 9 months from the date thereof; a provision spelling out the formula or terms or conditions by which tuition shall be computed but that the tuition to be paid shall not exceed the legal tuition charge provided in this chapter; a provision that the contract offer when accepted shall run for a period of from 5 to 20 years and that the contract upon its acceptance cannot be changed, altered or amended, or mutually rescinded except as permitted by special act of the legislature.

When a school administrative district has been formed, relying upon a contract offer that is outstanding, the directors of the school administrative district shall on the date that the school administrative district is placed in operation, accept said contract offer by signing the same and returning the original contract to the offering municipality and sending a certified copy to the commissioner of education. (1959, c. 353, § 3. 1961, c. 96, § 2.)

**Effect of amendment.**—The 1961 amendment, which became effective on its approval, March 14, 1961, inserted "from 5

to" preceding "20 years" near the end of the second paragraph.

### 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 residents of and the territory within 2 or more municipalities may form a school administrative district, which shall be a body politic and corporate, by proceeding as follows:

**I.** The superintending school committees of the municipalities that desire to form a school administrative district shall file an application with the school district commission setting forth the names of the municipalities that propose to join to form said district on a form to be prepared by the commission and shall furnish such other data as the commission may determine necessary and proper for its deliberations.

**II.** If the proposed district is found to be eligible by the commission and is approved by it, the commission shall give notice to the municipal officers and the members of the superintending school committee in the municipalities within the proposed school administrative district of a date, time and place of a joint meeting of the municipal officers and the superintending school committee members of each municipality. The notice shall be in writing and sent by registered or certified mail, return receipt requested, to the addresses as shown on the application mentioned in subsection I. A return receipt properly endorsed shall be evidence of the receipt of notice. The notice shall be mailed at least 10 days prior to the date set for the meeting.

**III.** The members of the school committee and the municipal officers of the municipalities within the proposed administrative school district shall meet at the time and place appointed and organize the meeting by electing a chairman and a secretary. No action shall be taken at the meeting unless at the time of the convening thereof there are present at least  $\frac{1}{2}$  of the total number of municipal officers and school committee members eligible to attend and vote at said meeting, other than to report to the school district commission that a quorum was not present and request said commission to issue a new notice for another meeting in the same manner set forth in subsection II. The purpose of the meeting shall be to determine a fair and equitable number of school directors to be elected by and to represent each participating municipality. When a decision has been reached on the number of school directors and the number to represent each municipality, within the limitations provided, this shall be reduced to writing by the secretary and must be passed by a vote of  $\frac{2}{3}$  of those present. The vote shall be reduced to writing and the record of the meeting shall be signed by the chairman and attested by the secretary and forwarded to the school district commission who shall receive and keep the same.

**IV.** When the record of the meeting has been received by the commission and found to be in order, the commission shall order the question of the formation of the proposed school administrative district and other questions relating thereto to be submitted to the legal voters of the municipalities which fall within the proposed school administrative district. The order shall be directed to the municipal officers of the municipalities which propose to form a school administrative district, directing them to call town meetings or city elections, as the case may be, for the purpose of voting in favor of or in opposition to each article 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 municipal officers and listed as



follows: The total number of directors shall be \_\_\_\_\_, and the town of \_\_\_\_\_ shall be entitled to \_\_\_\_\_ directors, etc.

Article \_\_\_\_\_ : To choose \_\_\_\_\_ school director(s) to represent the \_\_\_\_\_ (number)

town on the board of school directors of school administrative District No. \_\_\_\_\_. Where coterminous school districts exist or there is indebtedness outstanding for school construction or the purchase of personal property used for school purposes 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 school districts comprising the school administrative district under consideration. (The list must include the name of the obligated municipality or school district, type of obligation, amount unpaid, interest rate and the payment schedule for all outstanding school indebtedness of all the municipalities and school districts comprising the school administrative district under consideration.)

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 article. Municipalities, including all of those participating in an existing community school district, may form a school administrative district on approval of the school district commission and suspend the operation of the community school district if each of such participating municipalities acts affirmatively on an article similar in form to the following, and also acts affirmatively on each of the other articles required in this section.

Article \_\_\_\_\_ : To see if the municipality will vote to authorize the suspension of the \_\_\_\_\_ community school district in order to organize and operate as a part of a larger school administrative district.

When a school administrative district is to be formed under the last paragraph of section 111-E, or where the study filed with and approved by the school district commission requires that the proposed school administrative district contract for the education of the pupils in grades 9 through 12 with a designated academy, the following article must be acted upon:

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

which district is hereby authorized and directed to accept the contract offer of \_\_\_\_\_ for the schooling of pupils in grades 9 through 12. In the event it is proposed to suspend the operation of a community school district pursuant to either of the immediately preceding articles, the above article with respect to the assumption of indebtedness will be modified to include the outstanding indebtedness of the community school district. The creation of any such community school district and all proceedings taken in connection with the issuance of such outstanding indebtedness are hereby ratified, validated and confirmed.

When affirmative action is taken in accordance with the preceding articles in each of the participating municipalities, said district shall, upon the date that it takes over the operation of the public schools within its jurisdiction, 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.

Approval of each article in each municipality shall be by a majority vote of those voting in each municipality on each article. (1957, c. 364, § 1-B; c. 443, § 2. 1959, c. 353, §§ 4, 5.)

**Effect of amendments.**—The 1957 amendment, which became effective on its approval, January 16, 1958, rewrote this section.

This section was amended twice by P. L. 1959, c. 353. Section 4, P. L. 1959, c. 353, added an article after the second article in subsection IV. Section 5 added a paragraph after the last article in this section.

The legislature has authority to create school administrative districts directly by

its own act without the intervening services of an administrative body. *McGary v. Barrows*, 156 Me. 250, 163 A. (2d) 747.

**No improper delegation of legislative power.**—With respect to the steps in the formation of school administrative districts requiring action by the school district commission, there is no improper delegation of legislative power. *McGary v. Barrows*, 156 Me. 250, 163 A. (2d) 747.

**Sec. 111-G. Organization.**—When the residents of each of the municipalities have voted upon the formation of the proposed school administrative district and all of the other questions submitted therewith, the clerks of each of the municipalities shall make a return to the school district commission in such form as the commission shall determine. If the commission finds that a majority of the residents within each of the municipalities involved, voting on each of the articles or questions submitted to them, have voted in the affirmative, and have elected the necessary school directors to represent each municipality, and that all other steps in the formation of the proposed school administrative district are in order and in conformity with law, the commission shall make a finding to that effect and record the same upon its records. The school district commission shall further assign a number to each school administrative district so formed in the order of their formation in the following form, "School Administrative District No. \_\_\_\_\_," which shall be the official title of the school administrative district.

The commission shall, immediately after making its finding, issue a certificate of organization in such form as the commission shall determine. The original certificate shall be delivered to the school directors on the day that they organize and a copy of said certificate, attested by the secretary of the commission, shall be filed and recorded in the office of the secretary of state. The issuance of such certificate by the school district commission shall be conclusive evidence of the lawful organization of the school administrative district. The school administrative district shall not be operative until the date set by the school district commission under section 111-J. (1957, c. 364, § 1-B; c. 443, § 2. 1959, c. 353, § 6.)

**Effect of amendments.**—The 1957 amendment, which became effective on its approval, January 16, 1958, rewrote this section.

The 1959 amendment added "and have elected the necessary school directors to represent each municipality" in the second sentence of this section.

**Section does not violate state constitution.**— There is no objection under the state constitution to the action of the legislature in making the certificate of organization conclusive evidence of the fact of

incorporation. *McGary v. Barrows*, 156 Me. 250, 163 A. (2d) 747.

**Nor fourteenth amendment.**— Since the interest of taxpaying inhabitants in the creation and establishment of a school district is not a property interest, such persons cannot be said to have suffered a deprivation of property through the organization procedures under this section, in violation of the fourteenth amendment. *McGary v. Barrows*, 156 Me. 250, 163 A. (2d) 747.

**Purpose of certificate.**—The purpose of

the provision in this section making the issuance of a certificate of organization conclusive evidence of the lawful organization of the school administrative district, is to make clear and certain to all who may deal with such districts that there are no hidden difficulties in the organization, and that all may consider that the necessary statutory steps have been duly and properly taken. *McGary v. Barrows*, 156 Me. 250, 163 A. (2d) 747.

**Certificate is conclusive evidence of lawful organization.**—The lawful organization of a school administrative district is conclusively evidenced by the certificate of the school district commission issued under this section. *Elwell v. Elwell*, 156 Me. 503, 167 A. (2d) 18.

**Although issued without notice or hearing.**—*Elwell v. Elwell*, 156 Me. 503, 167 A. (2d) 18.

**Determination of referendum is final and without appeal.**—There is no requirement under the constitution for the submission of the question of formation of a school administrative district to popular vote in the municipalities within the proposed district; it follows that there can be no valid

objection to the act of the legislature in providing that the determination of the outcome of the referendum be made by the commission finally and without appeal. Like principles are applicable to the election of the "necessary school directors". *McGary v. Barrows*, 156 Me. 250, 163 A. (2d) 747.

**Effect of legislative validation of school administrative district.**—In the case of a school administrative district organized under this section, a legislative act of validation precludes successful attack against all acts relating to organization occurring prior to the date of the certificate of organization issued by the school district commission. *Blackstone v. Rollins*, 157 Me. 85, 170 A. (2d) 405.

**Task of commission is administrative in nature.**—In determining the majority vote on returns from the clerks of the municipalities, the school district commission is performing the duties usually associated with a canvassing board. To inspect returns and declare the result of an election is a task administrative and not judicial in nature. *McGary v. Barrows*, 156 Me. 250, 163 A. (2d) 747.

**Sec. 111-H. Transfer of property and assets.**—When the territory of a school district, community school district or a municipality falls within a school administrative district which has been issued its certificate of organization and has assumed the management and control of the operation of the public schools within the school administrative district, the school directors shall determine what school property and buildings owned by any school district, community school district or municipality within the school administrative district shall be necessary to carry on the functions of the school administrative district and shall request in writing that the trustees of any school district, community school district or the municipal officers of any municipality within the school administrative district convey the title to such school property and buildings to said school administrative district, and the trustees of a school district, community school district or the municipal officers of any municipality shall make such conveyance notwithstanding any other provision in the charter of said school district, community school district, municipality or other provisions of law.

Where a municipality falls within a school administrative district which has been issued its certificate of organization and has assumed the management and control of the operation of the public schools within the school administrative district and such municipality has entered into a lease agreement with the Maine school building authority under which agreement the Maine school building authority has constructed and leased to the municipality a school building or buildings, and the future rentals due the Maine school building authority from said municipality under said lease have been assumed by the school administrative district, the school administrative district shall, by operation of law, become the assignee of the municipality and assume all the duties and liabilities under said lease agreement which had heretofore been the responsibility of the municipality, and the Maine school building authority, upon the completion of all rental payments and other conditions in said lease, shall convey the title to the school administrative district notwithstanding any provision in the lease or other provision of the law to the contrary.

Where in the formation of a school administrative district the school administrative district has assumed the outstanding indebtedness of any municipality, school district or community school district, the directors of the school administrative district shall be entitled to the use of any sinking fund or any other moneys that have been set aside by the municipality, school district or community school district for the payment of any or all of the indebtedness which has been assumed by the school administrative district notwithstanding any other provision of any act of the legislature or any provision of any trust agreement to the contrary, provided that the school directors shall only use the money so set aside for the purpose of retiring any or all of the assumed indebtedness for which it was previously dedicated.

Any municipality within any school administrative district that has taken over the operation of the public schools may raise and appropriate moneys and transfer the same by vote of the municipality to the school administrative district solely for capital outlay purposes.

Any municipality within the confines of an area which has applied to the school district commission to be approved as a school administrative district may raise and appropriate money by proper vote of the town to be transferred to the proposed school administrative district, if and when said district takes over the operation of the public school within its jurisdiction. Said moneys shall be used only for capital outlay purposes. If the town shall vote to make such a transfer, it shall not have the right to rescind such vote until 9 months after said vote or until the proposed school administrative district fails of approval either by the school district commission or by the residents in the several towns within the proposed school administrative district, whichever is earlier. (1957, c. 364, § 1-B; c. 443, § 2.)

**Effect of amendment.**—The 1957 amendment, which became effective on its approval, January 16, 1958, rewrote this section.

**Use of sinking funds and other moneys**

**set aside for payment of assumed indebtedness.**—See *McGary v. Barrows*, 156 Me. 250, 163 A. (2d) 747.

**Cited in Opinion of the Justices**, 153 Me. 216, 136 A. (2d) 508.

**Sec. 111-I. School directors.**—All of the affairs of a school administrative district shall be managed by a board of school directors which shall consist of not less than 5 nor more than 18 members, the exact number to be determined at the joint meeting of the municipal officers and school committee members as described in section 111-F. No municipality within any school administrative district shall have less than one director to be elected by the municipality. The number of school directors that each municipality shall be entitled to shall be in accordance with the determination that has been previously made and voted on under section 111-F. (1957, c. 364, § 1-B; c. 443, § 2.)

**Effect of amendment.**—The 1957 amendment, which became effective on its approval, January 16, 1958, rewrote this sec-

tion. The subject matter was formerly contained in section 111-H.

**Sec. 111-J. Election of school directors.**—For the purpose of nominations, school directors shall be considered municipal officials and shall be nominated in accordance with chapter 90-A or in accordance with a municipal charter, whichever is applicable. Upon the election of the school directors, the clerks of the several municipalities within the school administrative district shall forward the name of the directors elected for each municipality to the school district commission with such other data with regard to their election as the school district commission may require. Upon receipt of the names of all of the directors, the school district commission shall set a time, place and date for the first meeting of the directors, notice thereof to be given in the same manner as set forth in section 111-F, to determine the length of their terms. The terms shall be determined by lot in accordance with the following table:

Total Number of School Directors	1 Year	Term 2 Years	3 Years
5	1	2	2
6	2	2	2
7	2	2	3
8	2	3	3
9	3	3	3
10	3	3	4
11	3	4	4
12	4	4	4
13	4	4	5
14	4	5	5
15	5	5	5
16	5	5	6
17	5	6	6
18	6	6	6

The directors shall serve their terms as determined at the organizational meeting and an additional period until the next regular election of the municipality. Thereafter the directors' terms of office shall date from the time of each municipality's regular election.

The directors shall enter on their records the determination so made. They shall also elect a chairman and vice-chairman and such other officers as may be necessary, provided that prior to the election of said officers each director shall take the following oath before a dedimus justice, justice of the peace or notary public:

"I ..... do swear that I will faithfully discharge to the best of my abilities the duties incumbent on me as school director of School Administrative District No. .... according to the Constitution and laws of the State. So help me God."

The person taking such oath shall make a certificate to that effect and return it to the secretary of the school administrative district who shall keep the same in the records of said district. When a school director is conscientiously scrupulous of taking an oath, the word "affirm" shall be used instead of "swear" and the words "this you do under the pains and penalty of perjury" instead of the words "so help me God."

At the expiration of the terms so determined the vacancy shall be filled for a term of 3 years and the school directors shall notify the municipal officers of the municipalities within the school administrative district before the annual town meeting or before the regular city election if a city fall within the school administrative district of the fact that a vacancy will occur so that the municipal officers in these municipalities may provide for the election of a school director or directors to fill the vacancy that will occur. All school directors shall serve until their successors are elected and qualified.

When a vacancy on the board of school directors occurs by reason of death, resignation or otherwise, the selectmen or municipal officers of the municipality that the director represented shall fill the vacancy by electing a director from the municipality to serve until the municipality shall fill the vacancy at its next annual town meeting or next regular city election. The person so chosen shall serve until his successor is elected and qualified. In case any member of the board of school directors shall remove from the municipality that he represents or be absent from said municipality for more than 90 days a vacancy shall be declared to exist by the board of school directors and the selectmen or municipal officers shall thereafter choose another director as provided.

No member of the board of school directors shall be employed as a teacher or in any other capacity in any public school that comes within the jurisdiction of the board of directors of which he is a member.

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; c. 443, § 2. 1959, cc. 131, 323, § 1; c. 353, §§ 7, 8. 1961, c. 6, §§ 1, 2.)

**Cross reference.** — As to appeal from election of school directors, see note to § 111-G.

**Effect of amendments.**—The 1957 amendment, which became effective on its approval, January 16, 1958, rewrote this section. Prior to the enactment of c. 443 the subject matter was contained in section 111-I.

This section was amended three times by the 1959 legislature. Chapter 131 added the language after the word "represented" and before the word "to" in the first sen-

tence of the third paragraph from the end of the section. Chapter 323, § 1, added a new sentence after the first sentence. Chapter 353, § 7, repealed the first sentence. Chapter 353, § 8, added a new paragraph immediately following the table.

The 1961 amendment rewrote the first sentence in the third paragraph from the end of the section and substituted "selectmen or municipal officers" for "remaining directors" in the last sentence in that paragraph.

**Sec. 111-J-1. Reapportionment of school directors.** — Within one year after the official United States census statistics have been reported, or when requested by 10% of the number of voters voting for the gubernatorial candidates at the last state-wide election in the municipalities comprising the district, the board of school directors of each school administrative district shall give at least 15 days' notice to each municipality comprising the school administrative district of a meeting to determine the necessity of reapportionment of representation to the board of school directors.

Each municipality in a school administrative district shall be represented at the meeting to determine the necessity for reapportionment by its municipal officers, district director or directors and 2 representatives from each municipality chosen at large by its municipal officials. Any change in representation made at this meeting shall be effective if approved by a vote of  $\frac{2}{3}$  of those present and voting and subject to the limitations of section 111-I.

Any change affecting any of the participating municipalities shall be reported to the board of school directors, who shall forthwith order the subordinate administrative units so affected to take such action as to comply with the reapportionment as directed by the board. (1959, c. 323, § 1.)

**Sec. 111-K. 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, as defined in section 237-H, 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  $12\frac{1}{2}\%$  of the total of the last preceding state valuation of all the participating towns including all outstanding school indebtedness assumed by said district. 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 as provided in section 111-T, except as is otherwise provided in this section. 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 official name 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, not exceeding 6% per annum, payable semiannually, be in such form subject to sections 111-A to 111-U, and be sold in such manner, at public or private sale as the school directors shall determine, provided that in no event shall bonds be sold for less than par. 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. When an issue of capital outlay bonds or notes has been properly authorized, the board of school directors prior to the issuance of said bonds or notes may borrow in anticipation of their sale by issuing temporary notes and renewal notes, the total face amount of which does not exceed at any one time outstanding the authorized amount of the capital outlay bonds or notes. 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. Said notes and bonds, and loans to pay current operating expenses, 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 chapter 90-A, section 23, and all the provisions of said section shall be applicable thereto.

If the board of school directors deems it advisable to issue bonds or notes and the amount of the issue does not exceed 1% of the last preceding state valuation of all the participating towns in the district, the directors may call a district meeting to approve the issuance of said bonds or notes as provided in this section or they may proceed as follows: When the board of school directors of the district determine that bonds or notes for capital outlay purposes shall be issued in an amount not to exceed 1% of the total of the last preceding state valuation of all the participating towns, they shall pass a resolution to that effect, setting forth the amount of the proposed issue and the purpose or purposes for which the proceeds will be used.

The secretary of the board of school directors shall, within 5 days of the date of the passage of said resolution, cause attested copies of the resolution to be posted in 3 public and conspicuous places within each of the municipalities within the district, and make a return of his posting stating the time and place thereof, which return shall be kept with the records of the district, and a copy of the return shall be mailed to each of the municipal officers of each town within the district. If, within 35 days of the date of the passage of the resolution, sufficient petitions are filed with the secretary of the board of school directors requesting a vote of the district to approve or disapprove the issuance of the bonds or notes, the secretary shall immediately notify the board of school directors and they shall call a district meeting for said purpose as set forth in section 111-T. To be sufficient to require the calling of a district meeting, the petitions must contain the signatures of at least 10% of the residents in the district eligible to vote on the date that the resolution was adopted, as shown by the district voting list. (1957, c. 364, § 1-B; c. 443, § 2. 1959, c. 353, § 9. 1961, c. 5.)

**Effect of amendments.** — The 1957 and 1959 amendments rewrote this section. Prior to the 1957 amendment the subject matter was contained in section 111-J. The 1961 amendment eliminated the former next to last sentence of the first

paragraph, limiting the period of notes and renewals thereof.

this section became effective on its approval, January 16, 1958.

**Effective date.**—The 1957 act amending

**Sec. 111-L. How financed.**—The directors of each school administrative district shall annually before February 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 the rentals and other charges provided in any contract, lease or agreement with the Maine school building authority, and all other expenses necessary for the operation of the administrative district, including temporary loans. Also before March 1st of each year, the school directors shall hold a district budget meeting. At this meeting the budget shall be thoroughly explained and the voters of the district shall be given an opportunity to be heard. A budget must be approved by the voters of the district at the district budget meeting. At the district budget meeting, only those items dealing with the expenses necessary to operate the school administrative district, appropriations for the reserve fund and capital outlay appropriation shall be subject to change by the voters. If a budget for the operation of the school administrative district is not approved prior to April 1st in any given year, the budget as submitted by the school directors for operational expenses, reserve fund and capital outlay purposes shall be automatically considered the budget approved for operational expenses in the ensuing year, and the other amounts submitted for payment of bonds falling due and interest thereon, including temporary loans for capital purposes and rentals and other charges provided in any contract, lease or agreement with the Maine school building authority, shall be added together and the total amount assessed as follows. 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. Any municipality may use the proceeds from gifts or trust funds allocated for educational purposes to reduce the actual amount of assessment to the local taxpayers. In the year in which the tax is so levied the treasurer of each municipality shall pay the amount of the tax so levied in 3 equal installments to the treasurer of the school administrative district. The first installment shall be paid on or before May 1st, the second installment shall be paid on or before September 1st and the third installment on or before December 31st. In the case of the failure of the treasurer of the said municipality to pay any installment or any part thereof on or before the dates set out above in the year in which the said tax is levied, the treasurer of the administrative district shall 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 residents 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 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 depart-



ment, not exceeding the amount then presently due to the authority from such district. (1957, c. 364, § 1-B, c. 443, § 2. 1959, c. 353, § 10.)

**Effect of amendments.**—The 1957 and 1959 amendments rewrote this section. Prior to the 1957 amendment the subject matter was contained in section 111-K.

this section became effective on its approval, January 16, 1958.

**Applied** in *Blackstone v. Rollins*, 157 Me. 85, 170 A. (2d) 405.

**Effective date.**—The 1957 act amending

**Sec. 111-L-1. Reserve fund for capital outlay purposes.**—A school administrative district may establish a reserve fund for capital outlay purposes as defined in section 237-H, by adding a request therefor in the district budget. The board of school directors shall be the trustees of the reserve fund. The reserve fund shall be deposited or invested by the treasurer under the direction of the board of school directors.

Reserve funds, trust funds and all permanent funds shall be deposited or invested by the treasurer, by direction of the board of school directors as follows:

**I.** Deposited in savings banks, trust companies and national banks in the state.

**A.** The balance at any time in any bank shall not exceed the amount insured by the federal deposit insurance corporation.

**II.** Invested in shares of building and loan or savings and loan associations organized under state law.

**III.** Invested according to the law governing the investment of the funds of savings banks in chapter 59, section 19-I.

**A.** For the purpose of this section, the words "deposits of a bank" or their equivalent as used in chapter 59, section 19-I, mean the total assets of the reserve fund, trust fund or other permanent fund being invested, but the limitation concerning the maximum amount which may be invested in a security or type of security under section 19-I applies only to an investment in that security or type of security which exceeds \$2,000.

The board of school directors shall have the authority to expend all or any part of the sum in the reserve fund when authorized to do so by a vote of the district at a district meeting or a district budget meeting, when an article for such a purpose is set out in the warrant calling the meeting. (1959, c. 353, § 11.)

**Sec. 111-M. Application of general law.**—All 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; c. 443, § 2.)

**Effect of amendment.**—The provisions of this section are identical with those of section 111-L prior to the 1957 amend-

ment, which became effective on its approval, January 16, 1958, with the addition of "All" at the beginning of the section.

**Sec. 111-N. Transportation.**—The superintendent of the school administrative district, with the approval of the school directors, shall procure the conveyance of all public school pupils residing in the district a part or the whole of the distance to and from the nearest suitable school for the number of weeks for which the schools are maintained in each year when such public school pupils reside at such a distance from the school as in the judgment of the school directors shall render such conveyance necessary. In all cases, conveyance so provided shall conserve the comfort, safety and welfare of the pupils conveyed and shall be in charge of a responsible driver who shall have control over the conduct of the pupils while they are being conveyed. Contracts for said conveyance may be made for a period not to exceed 3 years. Such contracts shall be executed by the superintendent of the school administrative district with the approval of

the school directors. The expenditures for transportation shall be considered as expense of operation of said school or schools in such school administrative districts.

Whenever a parent or guardian having children of compulsory school age in his care domiciles such children in a location remote from and inaccessible to schools or public highways, he shall be personally responsible for the cost of boarding these children within walking distance to an established public school or for providing suitable conveyance to a public highway. Failure to so provide conveyance or board shall be considered a violation of the truancy law and punished accordingly. (1957, c. 364, § 1-B; c. 443, § 2.)

**Effect of amendment.**—The 1957 amendment, which became effective on its approval, January 16, 1958, rewrote this section. Prior to the 1957 amendment the subject matter was contained in section 111-M.

**Sec. 111-O. Superintendents of schools of the school administrative district.**—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 of school directors and said superintendent of schools shall have the same duties, powers and responsibilities with respect to the schools within the school administrative district and the board 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 and also keep an accurate record of all meetings of the school administrative district. (1957, c. 364, § 1-B; c. 443, § 2.)

**Effect of amendment.**—The 1957 amendment, which became effective on its approval, January 16, 1958, rewrote this section. The same subject matter was covered by section 111-N before the 1957 amendment.

**Sec. 111-P. Additions to and dissolution of school administrative districts.**—The residents of and the territory within any municipality not originally in an administrative district may be included by proceeding as follows: The school committee of the municipality wishing to join with an existing school administrative district may file an application with the school district commission on a form to be prepared by the commission. The school district commission shall receive the application, make a study of the necessity for joining this municipality with an existing school administrative district and recommend an agreement by which the municipality may become a member. This agreement shall be forwarded to the secretary of the school administrative district and to the clerk of the municipality desiring to join the district. Within 45 days after receipt of said agreement by the clerk of the municipality desiring to join the district, said municipality, at a regular or special town meeting or city election, shall vote on the agreement in the following form: Article : To see if the municipality will vote to join School Administrative District No. . . . . as a participating municipality of the district under the following terms and conditions: (Set forth agreement recommended by the Maine School District Commission.)

The town clerk of the municipality desiring admission shall send a certified copy of the results of the vote to the secretary of the school administrative district. If the board of directors finds that the vote was in the affirmative the directors shall call a district meeting in accordance with section 111-T to vote upon the following article:

Article : To see if the district will vote to admit the municipality of . . . . . into School Administrative District No. . . . . as a participating municipality of the district under the following terms and conditions: (Set forth agreement recommended by the Maine School District Commission.)

The clerks of all the municipalities voting on the above questions shall forward to the school district commission a certified report of the total number of affirma-

tive and negative votes cast on the above questions. Upon receipt of the results of the voting from all municipalities, the commission shall meet, compute and record the result of the voting and shall notify by registered mail the town clerk of the municipality seeking to join the school administrative district and the secretary of the school administrative district of the results of said vote. If the commission finds that a majority of the voters voting on the question in the district and a majority of the voters voting on the question in the municipality desiring to join the district favor admission of the municipality into the district, the commission shall make a finding to that effect and record the same upon its records. The commission shall, after making its findings, issue an amended certificate for school administrative district No. . . . . which shall be filed in the same manner as the original certificate. The issuance of said amended certificate by the school district commission shall be conclusive evidence of the admittance of that municipality to the school administrative district.

When the residents of a participating municipality desire to petition for dissolution of a school administrative district, such petition shall become effective when approved 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 or city elections. The question to be voted upon shall be in the following form: Be it resolved by the residents of the Town of . . . . . that a petition for dissolution be filed with the directors of School Administrative District No. . . . . No . . . . Yes . . . . No such vote on a petition for dissolution shall be permitted while such school administrative district shall have outstanding indebtedness. Outstanding indebtedness is defined as bonds or notes for capital outlay purposes issued by the school directors pursuant to approval thereof in a district meeting of such school administrative district, or obligations to the Maine school building authority pursuant to any contract, lease or agreement made by the school directors pursuant to approval thereof in a district meeting of such school administrative district, but shall not include any indebtedness of any municipality assumed by the school administrative district, nor any contract, lease or agreement of the Maine school building authority to which by operation of law the school administrative district has become the assignee.

After residents of a participating municipality have voted on a petition for dissolution, the clerk thereof shall forthwith give written notices by registered mail to the secretary of said school administrative district and the school district commission of the total number of affirmative and the total number of negative votes. If the school district commission finds that  $\frac{2}{3}$  of the voters voting on said petition have voted in the affirmative, the commission shall make a finding of fact to that effect and record it in its records.

The school district commission, after consultation with the district board of directors and municipal officers of the participating municipalities, shall prepare an agreement for dissolution. The commission is authorized to employ competent advisors in preparing an agreement. Said agreement shall be submitted to the directors of the school administrative district and the municipal officers of the participating municipalities meeting in joint session. The school district commission shall notify said directors and said municipal officers by registered mail of the time and place of said joint session and shall include in said notice a copy of the proposed agreement of dissolution. The notice shall be mailed at least 10 days prior to the date set for the joint session. Said municipal officers and school directors may offer suggestions for change in the agreement. The school district commission shall note and consider said suggestions in preparing the final agreement for dissolution. Within 60 days of the receipt of the petition for dissolution and such necessary extensions of time as may be granted by a majority of the participating municipalities as represented by their municipal officers, the final agreement shall be forwarded to the secretary of the school administrative district by registered mail. The board of directors shall within 10 days call a district meeting under section 111-T to vote upon the following article.

Article: To see if the residents of School Administrative District No. . . . . will vote to dissolve School Administrative District No. . . . . subject to the following terms and conditions: (Set forth agreement recommended by the Maine School District Commission) Yes . . . . No . . . .

No participating municipality within a district which has voted on dissolution may petition for dissolution within 6 months after the date of the district vote on such dissolution. The expense of employment of competent advisors in preparing the agreement of dissolution shall be paid by the school district commission. In the event of school administrative district votes not to dissolve, the municipality petitioning for dissolution shall reimburse the school district commission for said expenses. In the event the school administrative district votes to dissolve, the school administrative district shall reimburse the school district commission for said expenses.

The town and city clerks shall, within 24 hours of determination of the results of the vote in their respective municipalities, certify the total number of votes cast in the affirmative and the total number of votes cast in the negative on the article to the Maine school district commission.

Upon receipt of the results of the voting from all municipalities, the commission shall meet, compute and record the total number of votes cast in the municipalities within the school administrative district in the affirmative and the total number of votes cast in the negative on the article submitted. The commission shall notify the directors of the district by registered mail of the results of said vote. If the commission finds that a majority of the voters voting on the article have voted in the affirmative they shall notify the directors of the district to forthwith execute the terms of the agreement for dissolution.

When the agreement for dissolution has been executed by the directors of the school administrative district, the directors shall notify the commission by registered mail that the agreement of dissolution has been executed. A complete certified record of the transaction involved in the dissolution shall be filed with the commission and the commission shall forthwith issue a certificate of dissolution sent by registered mail to be filed with the directors of the school administrative district, and a copy recorded in the office of the secretary of state. (1957, c. 364, § 1-B; 443, § 2. 1961, c. 270, § 1.)

**Effect of amendments.** — The 1957 amendment, which became effective on its approval, January 16, 1958, rewrote this section. The same subject matter was covered by section 111-O prior to the 1957 amendment.

The 1961 amendment, which became ef-

fective upon its approval, May 5, 1961, again rewrote this section. Prior to this amendment the section provided for the submission of agreements for additions to the legislature and for withdrawal of municipalities from school administrative districts.

**Sec. 111-Q. Regulations.**—Subject to the provisions of sections 237-A to 237-H and sections 111-A to 111-U, the school district commission during its life and thereafter the state board 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. 443, § 2.)

**Effective date.** — The 1957 act inserting this section became effective on its approval, January 16, 1958.

**Sec. 111-R. Operational date of the school administrative district; teachers' and superintendents' contracts.**—Notwithstanding the prior issuance of a certificate of organization, a school administrative district shall not be in operation and shall not exercise any of its powers granted until the date set by the school district commission, as provided in section 111-J. On the date so set, the school administrative district shall become operative and the school directors shall assume the management and control of the operation of all of the public schools within the district and the municipalities, coterminous school

districts or community school districts within said district on and after said date shall have no responsibility for the operation or control of the public schools within their respective jurisdictions, provided on the date so set the balance then remaining in the school accounts of the municipalities within said school administrative district shall become the property of the school administrative district and shall be paid over to the treasurer of the school administrative district in equal monthly installments not to exceed 12 in number notwithstanding the provisions of section 240. The money held by any coterminous school district or any community school district within the school administrative district shall also be transferred to the treasurer of the school administrative district in the same manner and with the same limitations notwithstanding any provision in any charter to the contrary.

On the date that the school administrative district becomes operative, the contracts between the municipalities within the district and all teachers shall automatically be assigned to the school administrative district as of the date so set and the school administrative district shall be responsible for assigning the teacher to his duties and making payments upon said contract. Further, the contracts between the superintendents of schools and any of the municipalities within said district shall also automatically be assigned to the school administrative district as of the date so set and the superintendents' duties with regard to the towns within the school administrative district shall be thereafter determined by the school directors and the school administrative district shall pay thereafter the proportionate part of superintendents' salary that the municipality or municipalities heretofore were required to pay. (1957, c. 443, § 2.)

**Effective date.** — The 1957 act inserting this section became effective on its approval, January 16, 1958.

**Constitutionality.** — This section does not violate article VIII of the constitution

by depriving towns of responsibility for the operation and control of public schools within their jurisdiction. *McGary v. Barrows*, 156 Me. 250, 163 A. (2d) 747.

**Sec. 111-S. District budget meeting.**—When a district budget meeting is called to approve the operating school budget, reserve fund for capital outlay purposes or capital outlay appropriations, the school directors shall call such meetings as follows:

- I. Each district meeting shall be called by a warrant. The warrant shall be signed by a majority of the school directors.
- II. The warrant for calling the district meeting shall be as follows:
  - A. It shall specify the time and place of the meeting.
  - B. It shall set forth the proposed school budget in a manner as hereinafter provided in this section, and no other business may be acted upon.
  - C. It shall be directed to any resident of the school administrative district by name ordering him to notify all voters within such district to assemble at the time and place appointed.
  - D. An attested copy of the warrant shall be posted by the person to whom it is directed in some conspicuous public place in each of the municipalities within the school administrative district at least 7 days before the meeting.
  - E. The person who gives notice of the meeting shall make his return on the warrant stating the manner of notice in each municipality and the time when it was given.

**III. School budget.** The warrant shall set forth the school budget in the following form:

School Budget for Year 19 to 19	
Operating School Budget	\$.....
Reserve Fund for Capital Outlay Purposes	\$.....
Capital Outlay Appropriation	\$.....
Contingency Fund	\$.....
<b>Total Expenditures</b>	<b>\$.....</b>
<hr/>	
Capital Budget Expenditure	
Assumed Indebtedness (Principal and Interest)	\$.....
Capital Outlay Bonds or Notes (Principal and Interest)	\$.....
Rentals to Maine School Building Authority	
(a) Assumed by District	\$.....
(b) District Leases	\$.....
Total Capital Expenditures	\$.....
Total Proposed Expenditures (Operating and Capital)	\$.....
Subtract District Balances	\$.....
Subtract Anticipated State Subsidies	\$.....
Subtract Other Anticipated Income	\$.....
<hr/>	
District Appropriation to be Assessed to Member Municipalities	\$.....

**IV.** The following provisions apply to the district meeting :

- A.** Each person whose name appears on the district voting list may attend and vote at a district budget meeting.
- B.** The secretary of the school directors shall open the meeting by call for the election of a moderator, receiving and counting votes for moderator, and swearing in the moderator.
- C.** As soon as he has been elected and sworn, the moderator shall preside at the meeting.
- D.** The secretary to the school directors shall record accurately all the votes of the district meeting.

**V. District voting lists.** The school directors shall appoint a resident of said district to make and keep a voting list of all residents in the district eligible to vote. This person shall be known as the registration clerk. The registration clerk shall compile his voting list from the voting list of all the municipalities lying within the school administrative district. At least 14 days before any budget meeting, the registration clerk shall bring his voting list up to date by comparing his list with those voting lists found in the municipalities within the school administrative district and by making such additions and deletions as he finds necessary. No additions or deletions shall be made in the 14-day period prior to said meeting. (1957, c. 443, § 2. 1959, c. 353, §§ 12, 13. 1961, c. 153.)

**Effect of amendments.** — This section was amended twice by P. L. 1959, c. 353. Section 12 of P. L. 1959, c. 353, rewrote the opening paragraph of this section. Section 13 rewrote subsection III. The 1961 amendment again rewrote sub-

section III.

**Effective date.** — The 1957 act inserting this section became effective on its approval, January 16, 1958.

**Applied** in *Blackstone v. Rollins*, 157 Me. 85, 170 A. (2d) 405.

**Sec. 111-T. District meeting.**—When it is necessary to hold a district meeting to approve the issuance of bonds or notes for capital outlay purposes, to approve an agreement to add another municipality or municipalities to the school administrative district, to dissolve a school administrative district, or to approve a proposed lease agreement with the Maine school building authority, or to authorize the school directors to contract for the schooling of secondary pupils, or

to authorize the school directors to dispose of real property, the school directors shall be authorized to call such meeting as follows:

I. Each district meeting shall be called by a warrant. The warrant shall be signed by a majority of the school directors.

II. The warrant for calling the district meeting shall be as follows:

A. It shall specify that the municipal officers of the municipalities within the school administrative district shall call a meeting or city election within 45 days of the date of the warrant.

B. It shall set forth the article or articles to be acted upon at each municipal meeting or election.

C. It shall be directed to any resident of the school administrative district by name ordering him to notify the municipal officers of each of the municipalities within the school administrative district to call a town meeting or city election within 30 days of the date of the warrant.

D. Service of the warrant issued by the school directors shall be made upon the town or city clerk of each of the municipalities within the school administrative district by delivering an attested copy of the warrant in hand within 3 days of the date of the warrant.

E. The person who serves the warrant shall make a return on the warrant stating the manner of service and the time when it was given.

F. The town or city clerk so served shall immediately notify the municipal officers within his municipality of this fact and the municipal officers shall forthwith meet and issue their warrants to call town meetings or city elections and the warrants and other notices for said meetings shall be in the same manner as provided in chapter 3-A.

G. The voting at meetings held in towns shall be held and conducted in accordance with chapter 90-A, sections 37 to 39, even though the town has not accepted the provisions of said section 37.

H. The voting at meetings in cities shall be held and conducted in accordance with chapter 3-A.

III. Form of said articles:

A. When a meeting is called for the purpose of authorizing the issuance of bonds or notes for capital outlay purposes, the questions to be inserted in all warrants shall be substantially as follows:

The following question is to be used where a new school is to be constructed: "Shall the school directors of School Administrative District No. .... be authorized to issue bonds or notes in the name of said district for capital outlay purposes in an amount not to exceed \$. . . . ., to construct a . . . . . to be located at . . . . . (primary or secondary school) (specifically . . . . . ?" define lot where school is to be erected)

Yes No

Question to be used for the purpose of authorizing the issuance of bonds and notes for other capital outlay purposes shall be substantially as follows:

"Shall the school directors of School Administrative District No. .... be authorized to issue bonds or notes in the name of said district for capital outlay purposes in an amount not to exceed \$. . . . . for the purpose of . . . . . ?"

(here state purpose of capital outlay)

Yes No

B. When a meeting is called for the purpose of approving the addition to the school administrative district of a municipality or municipalities, the

article shall be in the form set forth in the act of the legislature approving the agreement.

**C.** When a meeting is called for the purpose of approving a proposed lease agreement with the Maine school building authority, the article shall be exactly as is set forth in the proposed lease agreement.

**D.** When a meeting is called for the purpose of authorizing the school directors to contract for the schooling of secondary pupils, the article to be inserted in all warrants shall be as follows:

“Shall the school directors of School Administrative District No. . . . . be authorized to contract in the name of the name of the district with . . . . . for the schooling of secondary (Name of Administrative Unit or Academy) pupils for a term of . . . . . years.  
Yes  No ”

**E.** When a meeting is called for the purpose of authorizing the school directors to dispose of real property, the article to be inserted in all warrants shall be as follows:

“Shall the school directors of School Administrative District No. . . . . be authorized to dispose of . . . . . ?  
(describe the property)  
Yes  No ”

**IV.** Return and counting of votes.

**A.** The town and city clerks shall, within 24 hours of the determination of the results of the vote in their respective municipalities, certify the total number of votes cast in the affirmative and the total number of votes cast in the negative on each article to the school directors.

**B.** As soon as all of the results from all of the municipalities have been returned to the school directors, the directors shall meet and compute the total number of votes cast in all of the municipalities within the school administrative district in the affirmative and the total number of votes cast in all of the municipalities within the school administrative district in the negative on each article submitted.

**C.** If they determine that there were more votes cast in the affirmative than there were in the negative, on a given article, they shall so declare and find that the article has passed and enter this declaration and their computations upon their records and send certified copies of the same to each town or city clerk within the school administrative district.

**D.** If the school directors determine that the total number of votes cast on any article in the affirmative is equal to or less than the total votes cast in the negative, they shall declare that the article has not passed and enter their declaration and computations on their records and send certified copies of the same to the town and city clerk of each of the municipalities within the school administrative district. (1957, c. 443, § 2. 1959, c. 353, § 14. 1961, c. 270, § 2; c. 360, § 3; c. 366, §§ 6-A, 6-B, 6-C.)

**Effect of amendments.** — The 1959 amendment rewrote paragraph A of subsection III of this section.

Chapter 270, P. L. 1961, which became effective on its approval, May 5, 1961, inserted “to dissolve a school administrative district” in the introductory paragraph of this section and also inserted “or to authorize the school directors to dispose of real property” in that paragraph. Chapter 360, P. L. 1961, changed the references at

the ends of paragraphs F and H of subsection II from “chapter 5” to “chapter 3-A”. Chapter 366, P. L. 1961, substituted “45” for “30” in paragraph A of subsection II, rewrote the provisions as to the second question in paragraph A of subsection III, which was formerly confined to additions or major alterations of existing buildings, and added paragraph E of subsection III.

**Effective date.**—The 1957 act inserting



this section became effective on its approval, January 16, 1958.

Cited in *Blackstone v. Rollins*, 157 Me. 85, 170 A. (2d) 405.

**Sec. 111-U. School directors; additional duties and powers; quorum.** — In addition to other duties prescribed, school directors may select an unofficial name for the school administrative district and may elect a finance committee whose members shall all be directors, said committee to consist of 3 members. The school directors shall operate such elementary school units as they deem necessary. The school directors shall not transact any business at any meeting unless a majority of the total number of directors is present. The school directors shall have the authority to purchase land outside of the geographical limits of the district and erect a school or schools thereon, if because of location of other schools within the school district or transportation difficulties the building of said school or schools within the district would not be in the best interests of the district. The school directors shall adopt by-laws for the regulation of the affairs of the board and the conduct of its business.

No real property shall be disposed of by the school directors until authorized by the legal voters of the school administrative district as required by section 111-T. (1957, c. 443, § 2. 1959, c. 353, § 15. 1961, c. 366, § 6-D.)

**Effect of amendments.** — The 1959 amendment inserted the second sentence and added the last two sentences to the first paragraph of this section.

paragraph.

**Effective date.** — The 1957 act inserting this section became effective on its approval, January 16, 1958.

The 1961 amendment added the second

**Sec. 111-U-1. Bids in disposal of real property and personal property over \$1,000; procedure.** — In disposing of real property in any amount and personal property in an amount exceeding \$1,000, school directors shall advertise for sealed bids by publication at least 5 days prior to the date set for closing of bids in a newspaper having general circulation in the territory embracing the school administrative district.

All bids shall be in writing, sealed, with outside envelope or wrapper plainly marked "Bid, not to be opened until" (with appropriate date inserted), and mailed to or filed with the superintendent of the school administrative district. No director or employee of the school administrative district shall open such bid until the appointed time. At the time and place stated in the public notice, all bids shall be opened publicly by the superintendent of the school administrative district or, in his absence or disability, by any director designated for the purpose by the chairman of the school directors, and such bid openings shall be open to the public. If any citizens who are not school administrative district directors or employees, or if any representatives of the press are present, such bids shall at that time either be made available for examination by such citizens or press representatives, or shall be read aloud in a manner to be heard plainly by those in attendance. (1961, c. 366, § 6-E.)

### 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. 113. Organization; compensation.

Quoted in *McGary v. Barrows*, 156 Me. 250, 163 A. (2d) 747.

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

**Sec. 115. Power to borrow money.**—To procure funds for authorized purposes of the district, the trustees of said district are authorized to borrow funds to pay current operational expenditures of the district in an amount not to exceed the total of the warrants issued for the current year, but said loans must be repaid within the same fiscal year. To procure funds for capital outlay purposes, the trustees 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 said district as established under section 112 or 5% of the total of the last preceding state valuation of all of the participating towns, whichever is the lesser. 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 words: "..... Community School District" and shall be dated at such time or times, shall be in such denomination, shall bear such rate of interest, not exceeding 5% per annum, payable semiannually, be in such form, subject to the provisions of sections 112 to 121, inclusive, and be sold in such manner, at public or private sale as the trustees 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; provided, however, that 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 district shall be signed by the treasurer and countersigned by the chairman of said district, and if coupon bonds be issued, each coupon shall be attested by a facsimile signature of the treasurer printed thereon. Notes issued by the district shall mature not later than 1 year from their date but may be renewed from time to time, provided that 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 chapter 90-A, section 23, and all the provisions of said section shall be applicable thereto. (1947, c. 357. 1949, c. 249, § 4. 1953, c. 336, § 4. 1959, c. 214; c. 363, § 28.)

**Effect of amendments.**—The first 1959 amendment rewrote the first sentence of the section. The second 1959 amendment changed the reference chapter and section in the last sentence from "section 136 of chapter 53" to "chapter 90-A, section 23."

**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. 119. Transportation.**

Cited in *Squires v. Inhabitants of Augusta*, 155 Me. 151, 153 A. (2d) 80.

### **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.

### **Summer Schools.**

**Sec. 121-A. Approval of summer schools.**—All schools offering courses for credit toward graduation from a Maine elementary or secondary school shall be inspected under the direction of the state board of education, and the expense thereof shall be paid from the state appropriation for the support of public schools. The state board of education shall establish standards for approval of these schools which shall be consistent with the provisions of section 98 and shall determine what schools maintain approved standards. (1959, c. 83.)

**Effective date.**—The 1959 act adding this section became effective on its approval, March 19, 1959.

### **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 belong-

ing 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”.

**Sec. 129. Forfeiture of tuition payments.**—Academies which have not complied with the provisions of sections 125, 127 or 128 before the first day of September of each year shall not be eligible to receive tuition payments from municipalities receiving state subsidy under the provisions of section 237-E. (R. S. c. 37, § 110. 1951, c. 397, § 4. 1957, c. 443, § 22.)

**Effect of amendment.**—The 1957 amendment substituted “section 237-E” for “section 237” at the end of this section. **Effective date.**—The 1957 act amending this section became effective on its approval, January 16, 1958.

### War Orphans.

**Sec. 137. Purposes and distribution.**—In order to assist any person qualifying as an orphan of a veteran in accordance with the provisions of section 136 in securing higher education, the state department of education shall pay, for any person which it finds eligible for such assistance, a maximum of \$150 per year towards the cost of such higher education. Such assistance as is paid shall be used for the purpose of providing tuition, matriculation fees, board, room rent, books and supplies. In establishing eligibility for such assistance for children who make application for the benefits provided by said sections, the state department of education shall give due consideration in each case to the necessary expenses for attending school and the resources available to the applicant for meeting such expenses. The department shall provide such forms and make such rules and regulations as it considers necessary for carrying out said sections. (R. S. c. 37, § 120. 1961, c. 366, § 7.)

**Effect of amendment.**—The 1961 amendment rewrote this section.

**Sec. 138. Free tuition.**—All children qualifying as war orphans under sections 136 to 139 shall be admitted to state supported post-secondary vocational schools, normal schools, or institutions of collegiate grade free of tuition. (R. S. c. 37, § 121. 1961, c. 366, § 8.)

**Effect of amendment.**—The 1961 amendment deleted “the provisions of” from this section and inserted “post-secondary vocational schools, normal schools, or”.

### 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 de-

gree, 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 also to school directors and substituted this section applicable "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 or school directors, 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; c. 443, § 23.)

**Effect of amendments.** — The first 1957 amendment inserted “or school directors” and substituted “administrative unit” for “city or town” in the first sentence and substituted “school committee” for “board” in the second sentence. The sec-

ond 1957 amendment, which became effective January 16, 1958, added the words “or school directors” after the word “committee” and before the word “it” in the last sentence of this section.

**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 arrangement 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 amendment substituted “administrative unit” for “city or town” and inserted “or 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 amendment inserted “administrative units” for “towns” in the second paragraph. As

the first paragraph was not changed by the amendment, it is not set out.

**Sec. 154. School holidays; special observances.**—The following days shall be observed as school holidays, namely: Patriot’s day, April 19th; Memorial day, May 30th; Independence day, July 4th; Labor day, first Monday in September; Veterans day, November 11th; Christmas day, December 25th; Thanksgiving and Arbor day, as appointed by the governor and council. 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. 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. 1959, c. 230, § 1. 1961, c. 395, § 22.)

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

The 1957 amendment inserted "or school directors" in the present sixth and eighth sentences and substituted "administrative unit" for "town" in the sixth sentence.

The 1959 amendment divided the former first sentence into three sentences and substituted "2nd" for "1st" after the words "Labor day" and before the word "Monday" in the present first sentence.

The 1961 amendment, effective upon its approval, June 17, 1961, substituted "first" for "2nd" following "Labor day" and before "Monday" in the present first sentence and made other minor changes in that sentence.

**Effective date.** — P. L. 1959, c. 230, amending this section, provided in section 5 thereof as follows:

"This act shall take effect on January 1, 1961, provided that on or before said date the majority of the following states, Massachusetts, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey and Pennsylvania, shall have provided by legislation or otherwise for the observance of Labor Day on the same day as provided in this act and provided further that on or before January 1, 1961 the Governor, after determining that a majority of the above-named states has provided for the observance of Labor Day on the same day as provided in this act, shall by proclamation proclaim that this act is effective."

### 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. 159. Children between 5 and 21 in unorganized territory entitled to school privileges; "unorganized territory" defined.**—All children between the ages of 5 and 21 years who reside with a parent or legal guardian in unorganized territory within this state shall be entitled to school privileges, which shall be provided under the direction of the commissioner under such rules and regulations as may be made from time to time by him and approved by the governor and council. Within the meaning of sections 159 to 183, unorganized territory shall include all territory not a part of any municipality, and an unorganized unit shall be any unorganized township, gore, strip, tract, surplus, point, patent, peninsula, island, deorganized town or plantation or any other distinct and separate portion of unorganized state territory. (R. S. c. 37, § 142. 1957, c. 443, § 24.)

**Effect of amendment.**—The 1957 amendment substituted "159" for "157" and the word "municipality" for the words "city, town or plantation", formerly appearing in

the last sentence of this section.

**Effective date.**—The 1957 act amending this section became effective on its approval, January 16, 1958.

**Sec. 159-A. Non-Indian children living on Indian reservations.** — Non-Indian children, children with less than  $\frac{1}{4}$  part of Indian blood, who reside with parent or guardian on an Indian reservation shall be entitled to school privileges as described in sections 160 and 161, notwithstanding that these children do not reside in unorganized territory. (1961, c. 382, § 1.)



**Editor's note.**—P. L. 1961, c. 382, which inserted section 159-A, provided in § 2 thereof an appropriation from the general fund, for the years 1961-62 and 1962-

63, to carry out § 159-A and to pay the city of Old Town for schooling provided in the years 1958-59 to 1959-60.

**Sec. 160. Elementary schools established or children sent to other schools; tuition; transportation; board.**

Notwithstanding the foregoing, the commissioner may make arrangements for children living in the unorganized territory of Estcourt, Maine to attend a public school in Estcourt, province of Quebec, and with his approval, tuition shall be paid by the state for such pupils. (R. S. c. 37, § 143. 1953, c. 40, § 2. 1961, c. 115.)

The 1961 amendment added the second paragraph to this section.

**Sec. 161. State to pay tuition in secondary school; board.** — Any youth whose parent or legal guardian maintains a home for his family in the unorganized territory of this state and who may be judged by the commissioner qualified to enter an approved secondary school may attend any such school in the state to which he may gain entrance by permission of those having charge thereof. 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.

In the case of any youth qualified for attendance at secondary school in accordance with the provisions of the preceding paragraph, whose parent, legal guardian or person acting in loco parentis maintains a home for his family 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 \$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 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. 1957, c. 429, § 49-A. 1959, c. 259, § 5.)

**Effect of amendments.**—The first 1955 amendment, which provides it shall 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 amendment 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.

The 1957 amendment, which became effective on October 31, 1957, struck out the words "It is further provided that", formerly appearing at the beginning of the second paragraph of this section, and changed the maximum amount the state shall pay toward board from "\$180" to "\$353."

The 1959 amendment, effective July 1, 1960, rewrote the first sentences of both the first and second paragraphs.

**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; con-

ferences, 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.

**Quoted** in *Squires v. Inhabitants of Augusta*, 155 Me. 151, 153 A. (2d) 80.

**Sec. 164-A. Disposal of property or equipment.** — School property or equipment in unorganized territory may be sold, transferred or otherwise disposed of by the commissioner.

When such property is sold, the proceeds shall be expended as provided in section 164 for the benefit of the children in the unorganized unit where the property is located. (1959, c. 38, § 1.)

**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.

**Privately Owned Correspondence Schools.**

**Sec. 183-A. Permit for school in Maine.** — No person representing a privately owned correspondence school located in the state of Maine or from a

place of business in this state shall solicit or sell in Maine any correspondence course for a consideration or remuneration unless he first secures a permit from the state board of education. The application for a permit shall be made on forms to be furnished by the board and shall be accompanied by a fee of \$5 and a surety bond in the penal sum of \$1,000. Such bond may be continuous and shall be conditioned to provide indemnification to any student suffering loss as a result of any fraud or misrepresentation used in procuring his enrollment, and may be supplied by the representative of a privately owned correspondence school or by the school itself as a blanket bond covering each of its representatives in the amount of \$1,000. A permit shall be valid for the calendar year in which it is issued. The liability of the surety on such bond for each representative covered thereby shall, in no event, exceed the sum of \$1,000 as an aggregate for any and all students for all breaches of the conditions of the bond by such representatives. The surety on any such bond may cancel any such bond upon giving 30 days' notice in writing to the state board of education and thereafter shall be relieved of liability for any breach of condition occurring after the effective date of said cancellation. An application for renewal shall be accompanied by a fee of \$5 and a surety bond as provided in this section, if a continuous bond has not been furnished. All fees collected for the issuance or renewal of such permits shall be deposited in the state treasury to the credit of the general fund. (1959, c. 105.)

**Sec. 183-B. Permit for school outside Maine.**—No person representing a privately owned correspondence school located outside the state of Maine shall solicit or sell in Maine any correspondence course for a consideration or remuneration unless he first secures a permit from the state board of education in the manner and on the terms provided in section 183-A. (1959, c. 105.)

**Sec. 183-C. Moral character.**—No person shall be granted a permit under sections 183-A and 183-B unless he is an individual of good moral character. (1959, c. 105.)

**Sec. 183-D. Revocation.** — Any permit issued may, upon 10 days' notice and after a hearing, be revoked by the state board of education if the holder of the permit solicits or enrolls students through fraud or misrepresentation. (1959, c. 105.)

**Sec. 183-E. Rules and regulations; advisory committee.** — The state board of education is authorized to adopt rules and regulations for the administration and enforcement of sections 183-A to 183-E, and to establish a committee of 3 to 5 owners or other representatives of privately owned correspondence schools to advise the board in its administration. (1959, c. 105.)

**Sec. 183-F. Penalty.**—Any person violating sections 183-A to 183-E shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than \$500 or by imprisonment for not more than 3 months. (1959, c. 105.)

#### 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 “school officials” for “school board”, 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 “school directors” in the present second 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 school” in the first sentence, and substituted “sections 237-C, 237-D and 237-E” amendment substituted “administrative unit” for “municipality or community 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 second paragraph. amendment extended the application of The 1957 amendment inserted “or this section to day schools, classes and school directors” and substituted “administrative unit” for “town” educational activities. It also added the

**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  $\frac{1}{2}$  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. 1961, c. 366, § 9.)

**Effect of amendments.** — The 1957 amendment made this section applicable also to school directors of school administrative districts and substituted “adminis- trative unit” for “town” throughout this section. The 1961 amendment substituted “ $\frac{1}{2}$ ” for “ $\frac{2}{3}$ ” near the end of the section.

### Vocational Rehabilitation.

**Sec. 195-A. Purpose.**—The purpose of sections 195-A to 195-Q is to provide for and improve the rehabilitation of physically handicapped individuals other than the blind so that they may prepare for and engage in remunerative employment to the extent of their capabilities, thereby increasing not only their social and economic well-being but also the productive capacity of the state and nation.

Pursuant to such purposes the state board of education is designated and established as the sole state agency to provide vocational rehabilitation services to all residents of the state under 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, 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 shall be amended from time to time as appears necessary or desirable. (1959, c. 286, § 1.)

**Sec. 195-B. Definitions.**—For the purposes of sections 195-A to 195-Q the following terms are defined:

**I.** “Director” means the director of the vocational rehabilitation division.

**II.** “Division” means the vocation rehabilitation division.

**III.** “Handicapped individual” means any individual other than the blind who is under a physical or mental disability which constitutes a substantial handicap to employment, but which is of such a nature that vocational rehabilitation services may reasonably be expected to render him fit to engage in a remunerative occupation.

**IV.** “Individual who is under a physical or mental disability” means an individual who has a physical or mental condition, exclusive of blindness, which materially limits, contributes to limiting, or, if not corrected, will probably result in limiting his activities or functions.

**V.** "State board" means the state board of education.

**VI.** "Vocational rehabilitation services" means any goods and services necessary to render a handicapped individual fit to engage in a remunerative occupation, including:

- A.** Diagnosis and related services, including transportation, required for the determination of eligibility for service and of the nature and scope of the services to be provided;
- B.** Guidance;
- C.** Placement;
- D.** Acquisition of vending stands or other equipment, and initial stocks and supplies for small business enterprises conducted by severely handicapped individuals under the supervision of the division;
- E.** Training;
- F.** Physical restoration services;
- G.** Books and training materials;
- H.** Maintenance;
- I.** Tools, equipment, initial stocks and supplies, including equipment and initial stocks and supplies for vending stands;
- J.** Transportation not included under paragraph A;
- K.** Business, professional and occupational licenses; and
- L.** Other goods and services necessary to render a handicapped individual fit to engage in a remunerative occupation.

**VII.** "Workshop" means a place where any manufacture or handiwork is carried on, and which is operated for the primary purpose of providing remunerative employment to severely handicapped individuals as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market, or during such time as employment opportunities for them in the competitive labor market do not exist. (1959, c. 286, § 1.)

**Sec. 195-C. Vocational rehabilitation division.**—There shall be a vocational rehabilitation division which shall be administered by a director under the general supervision of the state board of education acting through its executive officer. (1959, c. 286, § 1.)

**Sec. 195-D. Provision of vocational rehabilitation services.**—Vocational rehabilitation services shall be provided directly or through public or private instrumentalities to any handicapped individual who is a resident of the state at the time of filing his application therefor, and whose vocational rehabilitation the director determines after full investigation can be satisfactorily achieved, or who is eligible therefor under the terms of an agreement with another state or with the federal government. Vocational rehabilitation services enumerated in section 195-B, subsection VI, paragraphs D to L, shall be provided at public cost only to those handicapped individuals who are found by the director to require financial assistance with respect thereto.

In case vocational rehabilitation services cannot be provided to all eligible handicapped individuals who apply for such services, the director shall provide regulations, with approval of the state board, for determining the order to be followed in selecting those to whom such services will be provided. (1959, c. 286, § 1; c. 363, § 29; c. 378, § 35.)

**Effect of amendments.** — Chapter 363, P. L. 1959, added the words "subsection IV, paragraphs D to L," after the words "section 195-B" in the last sentence of the first paragraph.

Chapter 378, P. L. 1959, effective on its approval, January 29, 1960, substituted "VI" for "IV" near the end of the first paragraph.

**Sec. 195-E. Powers and duties of the vocational rehabilitation division.**—In carrying out sections 195-A to 195-Q, the director, with the approval of the state board:

- I.** Shall prescribe regulations governing the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation and determination thereof, for vocational rehabilitation services, procedures for fair hearings, the establishment and operation of rehabilitation facilities and workshops and such other regulations as he finds necessary;
- II.** Shall establish appropriate administrative units within the division;
- III.** Shall prepare and submit to the state board annual reports of activities and expenditures and, prior to each regular session of the legislature, estimates of sums required for carrying out sections 195-A to 195-Q and estimates of the amounts to be made available for this purpose from all sources;
- IV.** Shall cooperate with other departments, agencies and institutions, both public and private, in providing for the vocational rehabilitation of handicapped individuals, in studying the problems involved therein, and in establishing, developing and providing, in conformity with the purposes of sections 195-A to 195-Q such programs, facilities and services as may be necessary or desirable;
- V.** May delegate to any officer or employee of the division such of his powers and duties, not inconsistent with the law, as he finds necessary to carry out the purposes of sections 195-A to 195-Q;
- VI.** May enter into reciprocal agreements with other states to provide for the vocational rehabilitation of handicapped individuals who are residents of the states concerned;
- VII.** May establish and operate rehabilitation facilities and workshops and make grants to public and other non-profit organizations for such purposes;
- VIII.** May supervise the operation of vending stands and other small businesses established pursuant to sections 195-A to 195-Q to be conducted by severely handicapped individuals;
- IX.** May make studies, investigations, demonstrations and reports, and provide training and instruction, including the establishment and maintenance of research fellowships and traineeships with such stipends and allowances as may be deemed necessary, in matters relating to vocational rehabilitation;
- X.** Shall take such other action as he deems necessary or appropriate to carry out the purposes of sections 195-A to 195-Q;
- XI.** May 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. (1959, c. 286, § 1.)

**Sec. 195-F. Cooperation with federal government.**—The state board, through the division, shall cooperate with the federal government in carrying out the purposes of any federal statutes pertaining to vocational rehabilitation as such statutes pertain to individuals other than the blind, and is authorized to adopt such methods of administration as are found by the federal government to be necessary for the proper and efficient operation of agreements or plans for such vocational rehabilitation and to comply with such other conditions as may be necessary to secure the full benefits of such federal statutes to this state and its residents. Upon designation by the governor, the state board, acting through the division, may perform functions and services for the federal government in addition to those provided for in this section. (1959, c. 286, § 1.)

**Sec. 195-G. Appropriation.** — The legislature shall appropriate for vocational rehabilitation services such sums as it finds necessary. (1959, c. 286, § 1.)



**Sec. 195-H. Cooperation with other agencies.**—In accordance with sections 195-A to 195-Q, 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 counseling 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. (1959, c. 286, § 1.)

**Sec. 195-I. Gifts.**—The director is authorized and empowered, with the approval of the state board, to accept and use gifts made unconditionally by will or otherwise for carrying out the purposes of sections 195-A to 195-Q. Gifts made under such conditions as in the judgment of the state board are proper and consistent with sections 195-A to 195-Q may be so accepted and shall be held, invested, reinvested and used in accordance with the conditions of the gift. All moneys received as gifts or donations shall be deposited in the state treasury and shall constitute a permanent fund to be called the special fund for the vocational rehabilitation of disabled persons, to be used by said board to defray the expenses of vocational rehabilitation in special cases, including the payment of necessary expenses of persons undergoing training. (1959, c. 286, § 1.)

**Sec. 195-J. State agency designated; federal-state agreement.**—The state board of education is hereby designated as the state agency to make determination 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 Title II of the Federal Social Security Act relating to the making of determinations of disability. (1959, c. 286, § 1.)

**Sec. 195-K. Receipt and disbursement of funds.** — The treasurer of state is designated as the custodian of all funds received from the federal government for the purpose of carrying out any federal statutes pertaining to vocational rehabilitation of handicapped individuals or any agreements authorized by sections 195-A to 195-Q. The treasurer of state shall make disbursements from such funds and from all state funds available for the vocational rehabilitation purposes set forth in sections 195-A to 195-Q upon the order of the state board of education or its designated representatives. (1959, c. 286, § 1.)

**Sec. 195-L. Cost of administration.**—Any cost of administering section 195-J shall be paid from funds received from federal sources in accordance with the agreement made under section 195-J. (1959, c. 286, § 1; c. 363, § 30; c. 378, § 36.)

**Effect of amendments.**—Chapter 363, P. L. 1959, substituted "section 195-J" for "sections 195-A to 195-Q", formerly appearing in this section. Chapter 378, P. L. 1959, effective on its approval, January 29, 1960, re-enacted the section without change.

**Sec. 195-M. Maintenance not assignable.**—The right of a handicapped individual to maintenance under sections 195-A to 195-Q shall not be transferable or assignable at law or in equity. (1959, c. 286, § 1.)

**Sec. 195-N. Hearings and judicial review.** — Any individual applying for or receiving vocational rehabilitation under sections 195-A to 195-Q who is aggrieved by any action or inaction of the division shall be entitled, in accordance with regulations, to a fair hearing by the state board. An individual aggrieved, because of the state board's decision made on the basis of a hearing, may appeal

to a court of competent jurisdiction; and if the court shall find the appellant has not had a fair hearing, or that the decision of the state board was arbitrary, capricious or unreasonable, or inconsistent with the law, the court shall remand the proceedings for redetermination of the issues by the state board. (1959, c. 286, § 1.)

**Sec. 195-O. Misuse of vocational rehabilitation lists and records.**—It shall be unlawful, except for purposes directly connected with the administration of the vocational rehabilitation program, and in accordance with regulations, for any person or persons to solicit, disclose, receive or make use of, or authorize, knowingly permit, participate in or acquiesce in the use of any list of, or names of, or any information concerning, persons applying for or receiving vocational rehabilitation, directly or indirectly derived from the records, papers, files or communications of the state or subdivisions or agencies thereof, or acquired in the course of the performance of official duties. Any person who violates any provision of this section shall be punished by a fine of not less than \$50 nor more than \$300, or by imprisonment for not more than 60 days, or by both. (1959, c. 286, § 1.)

**Sec. 195-P. Saving clause.**—The legislature reserves the right to amend or repeal all or any part of sections 195-A to 195-Q at any time, and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges or immunities conferred by sections 195-A to 195-Q or by acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal sections 195-A to 195-Q at any time. (1959, c. 286, § 1.)

**Sec. 195-Q. Short title.**—Sections 195-A to 195-Q may be cited as the "Vocational Rehabilitation Act of 1959." (1959, c. 286, § 1.)

### Vocational Education and Schools.

**Sec. 196. Vocational education.** — The state, having accepted the act of congress entitled "An Act to Provide for the Promotion of Vocational Education; to Provide for Cooperation with the States in the Promotion of such Education in Agriculture and the Trades and Industries; to Provide for Cooperation with the States in the Preparation of Teachers of Vocational Subjects; and to Appropriate Money and Regulate Its Expenditure," approved February 23, 1917, which act may be cited as the Smith-Hughes Vocational Education Act of 1917, also accepts the Vocational Education Act of 1946, approved August 1, 1946, for the further development of vocational education, which may be cited as Title I of the George-Barden Act; and of Title III of the Health Amendments Act of 1956, approved August 2, 1956, providing for vocational education in practical nurse training as Title II of the George-Barden Act, will observe and comply with all of said acts and of any acts amendatory thereof or supplementary thereto. (R. S. c. 37, § 169. 1961, c. 366, § 10.)

**Effect of amendment.**—The 1961 amendment deleted "will observe and comply with all the provisions of said act" following "February 23, 1917" and added all of the present provisions following that date.

**Sec. 197. Treasurer of state custodian of funds.** — The treasurer of state is designated as custodian for all moneys received by the state from appropriations under the acts of congress of the United States referred to in section 196; for all moneys received by the state from the appropriations made by the congress of the United States for the vocational rehabilitation of persons disabled in industry or otherwise; and for all moneys received by the state from the federal government for vocational training, and the said treasurer of state is authorized to receive and provide for the proper custody of the same and to make disbursements therefrom upon the order of the state board, its executive

officer or other legal authority. (R. S. c. 37, § 170. 1949, c. 349, § 73. 1951, c. 266, § 61. 1961, c. 366, § 11.)

**Effect of amendment.**—The 1961 amendment substituted “acts of Congress” for “act of Congress”, deleted “of education” following “board” near the end of this section and inserted “its executive officer”.

**Sec. 199.** Repealed by Public Laws 1959, c. 286, § 2.

**Sec. 200.** Repealed by Public Laws 1959, c. 286, § 3.

**Sec. 201.** Repealed by Public Laws 1959, c. 286, § 4.

**Sec. 202.** Repealed by Public Laws 1959, c. 286, § 5.

**Secs. 202-A to 202-D.** Repealed by Public Laws 1959, c. 286, § 6.

**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.”

**Sec. 204-A. State scholarships Maine vocational technical institute.**—The state board of education shall develop and administer a plan for awarding scholarships to selected students enrolled at the Maine vocational technical institute, whose records provide evidence of the possession of such qualifications as are necessary to successfully complete the course and become competent craftsmen in a trade or industrial pursuit, and who have demonstrated ability and willingness to support the expenses of their training, but who may be in need of partial financial assistance to pay the costs of attendance at the institute. No scholarship shall exceed \$300 in any one year. Awards shall be based on evidence of individual need and worth. (1961, c. 366, § 12.)

**Sec. 206. Reimbursement from state and federal funds.**—Whenever the superintendent of schools of any administrative unit, on or before the first day of July, shall report to the commissioner that part-time or part-time continuation schools and classes have been maintained in accordance with the specified standards, and when such schools and classes shall be approved by the state board, the commissioner shall recommend to the governor and council annually in December the payment of reimbursement from federal funds designated for part-time schools and from state funds provided for industrial education to the extent of  $\frac{1}{2}$  the cost of instruction. (R. S. c. 37, § 179. 1949, c. 403, § 8. 1961, c. 366, § 13.)

**Effect of amendment.**—The 1961 amendment substituted “administrative unit” for “town or city” near the beginning of this section, deleted “of education” following “board” and substituted “ $\frac{1}{2}$ ” for “ $\frac{2}{3}$ ” near the end of the section.

### Education of Physically Handicapped or Exceptional Children.

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

**Sec. 207-A. Purpose.**—It is declared to be the policy of the state to provide, within practical limits, equal educational opportunities for all children in Maine able to benefit from an instructional program approved by the state board of education. The purpose of sections 207-A to 207-I 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. Special classes in public schools are to include educable children only. (1955, c. 467, § 1. 1959, c. 348, § 1.)

**Effect of amendment.**—The 1959 amendment rewrote this section.

**Editor's note.**—P. L. 1959, c. 348, amending this section, provided in section 3 thereof as follows:

“Appropriation. There is appropriated

from the Unappropriated Surplus of the General Fund to carry out the purposes of this act the sum of \$10,000 for the fiscal year ending June 30, 1960 and \$20,000 for the fiscal year ending June 30, 1961.”

**Sec. 207-B. Definitions.** — The term “handicapped or exceptional child” shall mean any child under 21 years of age able to benefit from an instructional program approved by the state board of education whose parents or guardian maintains a home for his family in any administrative unit 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. 1959, c. 348, § 2.)

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

The 1959 amendment rewrote the first paragraph of this section.

**Editor's note.** — P. L. 1959, c. 348, amending this section, provided by section

3 thereof as follows:

“Sec. 3. Appropriation. There is appropriated from the unappropriated surplus of the general fund to carry out the purposes of this act the sum of \$10,000 for the fiscal year ending June 30, 1960 and \$20,000 for the fiscal year ending June 30, 1961.”

**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 make expenditures to institutions and organizations for the training of deaf children who have not become of compulsory school age, 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. (1955, c. 467, § 1. 1957, c. 364, § 84. 1961, c. 255.)

**Effect of amendments.** — 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.

The 1961 amendment added “to make expenditures to institutions and organizations for the training of deaf children who have not become of compulsory school age” near the middle of the last sentence of this section.

**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 3 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 annu-

ally 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 administrative unit may, in addition to the sum raised for the support of public schools, raise and appropriate money for the education of teachers and other school personnel 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.

Teachers and other school personnel who are so trained may be reimbursed through funds of the department of education on a matching basis for expenditures for such training approved in advance by the commissioner of education. (1957, c. 368, § 1; c. 443, § 25. 1959, c. 205.)

**Effect of amendment.**—The 1957 amendment substituted the words "administrative unit" for the words "municipality" after the word "any" and before the word "may" near the beginning of the first sentence.

The 1959 amendment added the words "and other school personnel" after the word "teachers" and before the word "to" in the first sentence and added the second paragraph to this section.

**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."

**Effective date.**—The 1957 act amending this section became effective on its approval, January 16, 1958.

### 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" "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. (1955, c. 475. 1957, c. 142, § 1; c. 364, § 89; c. 443, § 26. 1959, c. 229, § 1.)

**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".

The third 1957 amendment, which became effective on its approval, January 16, 1958, re-enacted this section as amended without further change.

The 1959 amendment struck out "receiving tuition students as described in section 107" at the end of the section.

**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.

Notwithstanding sections 105 and 107, the superintending school committee of an administrative unit, which does not maintain an approved secondary school, shall pay, upon receipt from the state, such special subsidy to 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 driver education. (1955, c. 475. 1957, c. 142, § 2; c. 364, § 90; c. 443, § 27. 1959, c. 229, § 2.)

**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". The third 1957 amendment, which became effective on its approval, January 16, 1958, re-enacted the section as amended without further change.

The 1959 amendment added the second paragraph to subsection II.

**Sec. 218-C. Motor vehicle authorized.** — Notwithstanding the provisions of section 43 of chapter 15-A 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; c. 443, § 28.)

**Effect of amendment.**—The 1957 amendment changed the section reference from “30” to “43” and the chapter reference from “16” to “15-A.”

**Effective dates.**—The act inserting this

section became effective on its approval, May 17, 1957.

The 1957 act amending this section became effective on its approval, January 16, 1958.

### Training of Firemen.

**Sec. 218-D. Training of firemen.** — The state board of education shall have authority to conduct a program for providing firemen education and training to members of fire departments, both volunteer and paid. (1959, c. 250.)

**Effective date.**—The 1959 act adding this section became effective on its approval, April 29, 1959.

**Sec. 218-E. Advisory committee.** — There shall be established an advisory committee, appointed by the board, to advise and consult with the board in carrying out the administration of section 218-D. The committee shall consist of 8 members: 2 members recommended by the Maine fire chiefs association, one full-time uniform fire fighter, one volunteer fire fighter, 2 members recommended by the Maine municipal association, one representative of the department of education and one representative from the field of insurance.

Of the members first appointed, 2 shall serve for one year, 3 for 2 years and 3 for 3 years. Thereafter all members shall be appointed for 3 years. The committee shall serve without compensation. (1959, c. 250.)

**Effective date.**—The 1959 act adding this section became effective on its approval, April 29, 1959.

### 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 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; c. 443, § 29.)

**Effect of amendments.**—The first 1957 amendment inserted all of the provisions as to special milk program and inserted “national school lunch” preceding the word “act”. The second 1957 amendment, which did not give effect to the first amendment, inserted the provisions as to “school directors” and substituted “ad-

ministrative unit” for “town”. The third 1957 amendment, which became effective on its approval, January 16, 1958, re-enacted this section, giving effect to both of the first two 1957 amendments and deleting “inclusive” following the reference in the first sentence.

**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”.

### National Defense Education Program.

**Sec. 222-A. Acceptance of national defense education program.**—The state, having accepted the provisions and benefits of the act of Congress entitled “National Defense Education Act of 1958, to strengthen the national defense and to encourage and assist in the expansion and improvement of educational programs to meet critical national needs, and for other purposes” approved September 2, 1958, will observe and comply with said act. (1959, c. 371.)

**Sec. 222-B. Treasurer of state custodian of funds.**—The treasurer of state is designated custodian of all moneys received by the state from the federal government for administration, supervision and assistance to subdivisions of the state, in the expansion and improvement of educational programs. The said treasurer of state is authorized to receive and provide for the proper custody of such moneys and to make disbursements therefrom upon the order of the commissioner of education. (1959, c. 371.)

**Sec. 222-C. State board of education as state agency.** — The state board of education is designated and established as the sole state agency to administer and supervise national defense education activities under public law 85-864, 85th Congress. 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 the act, shall enter into agreements with state and federal agencies providing educational services related to national defense, and shall prepare and issue state plans for the administration of titles of the act requiring such state plans which, under the above conditions, shall be amended from time to time as appears necessary or desirable. (1959, c. 371.)

**Sec. 222-D. Appropriation.** — The legislature shall appropriate for national defense education services such sums as it finds necessary. The acceptance of federal and other funds made available for purposes of education is authorized, and the state board of education is empowered to cooperate with the United States department of health, education and welfare in carrying out public law 85-864, 85th Congress, cited as the “National Defense Education Act of 1958” and such other federal programs as may concern the expansion or improvement of educational programs to meet national needs. (1959, c. 371.)

### Normal Schools and Teachers' Colleges.

**Sec. 223. Five 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 teachers' college at Fort Kent and the Aroostook state teachers' college at Presque Isle shall be conducted for the purposes and upon the principles set forth.

**V. Register of students.** The presidents of teachers' colleges, supported wholly or in part by the state, shall keep a register containing the names of all students entering such schools or departments, the date of entering and leaving, their ages, number of days' attendance, the length of the term, a list of textbooks used and all other information required in the blanks furnished by the commissioner. [1945, c. 378, § 38. 1951, c. 266, § 66. 1961, c. 378, § 3]. (R. S. c. 37, § 185. 1945, c. 378, § 38; c. 379, § 1. 1949, c. 349, § 76. 1951, c. 266, §§ 65, 66. 1953, c. 308, § 69. 1957, c. 375. 1961, c. 387, §§ 2, 3.)

**Effect of amendments.** — The 1955 amendment substituted "Fort Kent state normal school" for "Madawaska training school" in the first paragraph.

The 1961 amendment substituted "Fort Kent state teachers' college" for "Fort Kent state normal school" in the first paragraph, deleted "principals of the normal schools and of all other schools in

which normal departments are supported, wholly or in part by the state and" near the beginning of subsection V and inserted "supported wholly or in part by the state" in that subsection.

As the rest of the section was not affected by the amendments, it is not set out.

**Sec. 224. Course of study.**—The course of study at the state teachers' colleges shall occupy 4 years with suitable vacations, and, with the terms of admission, shall be arranged by the commissioner. The board may arrange for a course of study, occupying 4 years, for such students as elect to pursue the same and it may give such credit as it may deem advisable for successful teaching experience. (R. S. c. 37, § 186. 1945, c. 378, § 39. 1951, c. 266, § 67. 1961, c. 387, § 4.)

**Effect of amendment.**—The 1961 amendment deleted "normal schools and" following "state" near the beginning of this sec-

tion, substituted "4" for "2" in the first sentence and deleted "3 or" in the second sentence.

**Sec. 225. Diplomas.**—Any student, who completes the course of study prescribed at a state teachers' college and otherwise complies with the regulations of the college, shall receive a diploma certifying the same. The board may confer appropriate educational degrees based upon 4 years of academic and professional instruction with such equipment and faculties as will safeguard the integrity of the degrees conferred. (R. S. c. 37, § 187. 1945, c. 378, § 40. 1951, c. 266, § 68. 1961, c. 387, § 5.)

**Effect of amendment.**—The 1961 amendment divided this section into two sen-

tences and deleted references to normal schools.

**Sec. 226. Applicants for admission, qualifications; tuition.** — Applicants for admission to state teachers' colleges shall signify their intention to become teachers. The board shall charge \$200 for tuition to nonresidents of the state and \$100 for tuition to residents of the state. It may permit not exceeding 10% of the enrollment of residents to pay their tuition charges at such future dates as it may determine. (R. S. c. 37, § 188. 1945, c. 378, § 41. P. & S. I. 1951, c. 223, § 3. 1953, c. 308, § 70. 1961, c. 387, § 6.)

**Effect of amendment.**—The 1961 amendment deleted "normal schools and" follow-

ing "state" near the beginning of this section.

**Sec. 227. Supervision.**—The state teachers' colleges shall be under the direction of the state board. Said board shall have charge of the general interests of said colleges; shall see that the affairs thereof are conducted as required by

law and by such by-laws as the board adopts; employ teachers and lecturers for the same; and shall have authority, by and with the consent of the governor and council, to dispose of and acquire property for the improvement of the plants and grounds; and biennially render to the governor and council an accurate account of the receipts and expenditures for the biennium preceding, including same as a part of the commissioner's report. The clerical and staff services for this board shall be performed by the employees of the department under the direction of the commissioner. The head of a teachers' college shall be designated as a president. (R. S. c. 37, § 189. 1945, c. 230; c. 378, § 42. 1949, c. 403, § 9. 1961, c. 387, § 7.)

**Effect of amendment.**—The 1961 amendment deleted "normal schools and" near the beginning of this section, deleted "of education" at the end of the first sentence,

substituted "colleges" for "schools" preceding the first semicolon in the second sentence and deleted the former fourth sentence.

**Sec. 228.** Repealed by Private and Special Laws 1957, c. 182, § 2; Public Laws 1957, c. 443, § 30.

**Effective date.**—The 1957 act repealing this section became effective on its approval, January 16, 1958.

**Sec. 229.** Repealed by Public Laws 1961, c. 387, § 8.

**Sec. 230. State scholarships for teachers' college students.**—The state board shall develop and administer a plan for awarding scholarships to selected students enrolled in the teachers' colleges of the state who have evidenced qualifications of general worth and professional promise as potential teachers, and who have demonstrated ability and willingness to support their educational expenses, but who may be in need of partial financial assistance with respect to their education costs. Each scholarship shall not exceed \$300 in any one year. The board may, at its discretion, reduce the amount of any particular award, when such a reduction would better serve the need of any otherwise eligible recipient. Amounts available for such scholarships shall be distributed annually by the board to the 5 teachers' colleges in the following manner:

**I. \$1,500 or 5 full scholarships per school.** \$1,500, or the equivalent of 5 full scholarships, to each college;

**II. Allocation of balance.** Allocation of the balance of the scholarship fund to the 5 teachers' colleges in the same proportions as the proportion of each institution's enrollment bears to the total student enrollment of the 5 institutions for the fall semester of the current year. (1953, c. 122, § 1. 1959, c. 246. 1961, c. 387, § 9.)

**Effect of amendments.** — The 1959 amendment deleted the words "of education", formerly appearing after the word "board" and before the word "shall" near the beginning of the first sentence. It also substituted the figures "\$300" for "\$200" near the end of the first sentence, and substituted "\$1,500" for "\$1,000" in subsection I of this section.

The 1961 amendment deleted "normal schools and" preceding "teachers' col-

leges" twice in the introductory paragraph and once in subsection II and also deleted "or normal school" at the end of subsection I.

**Editor's note.**—Section 10 of c. 387, P. L. 1961, amending this section and other sections in this chapter, provided an appropriation from the general fund to the department of education of \$64,621.00 for the fiscal year ending June 30, 1963, to carry out the purposes of the act.

### Penal Provisions.

**Sec. 231. Forfeitures; expenditures.** — Forfeitures under 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 a civil action. (R. S. c. 37, § 191. 1957, c. 364, § 93. 1961, c. 317, § 87.)

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

The 1961 amendment deleted “the pro-

visions of” formerly preceding “this chapter” in the first sentence of this section and substituted “a civil action” for “an action of debt” in the second sentence.

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

rolled in the school. A teaching position in an elementary or a secondary school maintained for any part of the school year shall be reckoned in such ratio to a complete position as the number of weeks which the position was maintained is to the number of weeks schools of the town were maintained.

The term "administrative unit" shall include all municipal or quasi-municipal corporations responsible for operating public schools.

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

The term "membership" shall mean active participation in the program of a school from the date of enrollment to the time the student withdraws or is absent from the school for 10 consecutive days for reasons other than illness. (R. S. c. 37, § 197. 1945, c. 378, § 45. 1949, c. 349, § 78; c. 407, § 4. 1951, c. 393, § 5. 1955, c. 369, § 9. 1957, c. 364, § 96. 1959, c. 259, § 6.)

**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 fifth paragraph of this section.

The 1959 amendment, effective July 1, 1960, deleted "inclusive" in the first paragraph, substituted "secondary schools" for "high schools" in the third paragraph, divided the second sentence of the fourth paragraph and the first sentence of the sixth paragraph into two sentences and made other minor changes.

**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	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 other provisions of this section 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 shows evidence of manipulation to gain an unfair advantage. (1957, c. 364, § 1; c. 443, § 1.)

**Effect of amendment.**—The 1957 amendment, which became effective on its approval, January 16, 1958, deleted “or are adjudged excessive” formerly appear-

ing at the end of the section.

**Cited in Opinion of the Justices,** 153 Me. 216, 136 A. (2d) 508.

**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 conditioned 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; c. 443, § 1.)

**Effect of amendment.**—The 1957 amendment, which became effective on its approval, January 16, 1958, substituted a

semicolon for a comma near the end of subsection I.

**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 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, school bus purchases, 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. Expenditures made for the purposes listed in this subsection, as reduced by tuition collections and other school maintenance incidental receipts as prescribed in section 237-D, shall constitute the net operating cost for the purposes of section 237-E.

**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 in average daily membership except in the pre-primary or kindergarten where the ratio shall not exceed one teacher to 60 pupils and at least one teacher for each 25 high school pupils.

The term "average daily membership" as used in this chapter shall represent the sum of the days present and absent of all pupils in the schools under consideration divided by the number of days school is maintained. (1957, c. 364, § 1; c. 433, § 1. 1961, c. 366, § 14.)

**Effect of amendments.** — The 1957 amendment, which became effective on its approval, January 16, 1958, inserted "school bus purchases" in subsection II and deleted paragraph C of subsection III relating to expenditures on nonteaching services. The 1961 amendment added the second sentence of subsection II.

**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 sections 237-E, and Table II.

Table I

Size of school administrative unit based on average daily membership	Elementary schools		Secondary schools	
	Grades 1 to 8		Grades 9 to 12	
1- 25	\$3,000+	\$120 per pupil (1)	\$6,500+	\$145 per pupil (2)
1- 25		\$240 per pupil (1)		\$400 per pupil (2)
26- 50		\$235 per pupil (1)		\$390 per pupil (2)
51-100		\$230 per pupil (1)		\$385 per pupil (2)
101-200		\$220 per pupil (1)		\$375 per pupil (2)
201-300		\$215 per pupil		\$370 per pupil (2)
301-500		\$215 per pupil		\$355 per pupil
501-800		\$210 per pupil		\$340 per pupil
801 and over		\$210 per pupil		\$310 per pupil

(1) Elementary footnotes shall apply to those units which operate schools. Compute all administrative units, except school administrative districts, at \$170 per pupil if within 10 miles of a school operated in a neighboring administrative unit by the nearest suitable highway.

(2) Secondary school footnotes shall apply to those units which operate schools. If within 15 miles of a school operated in a neighboring administrative unit by the nearest suitable highway, compute all administrative units except school administrative districts as follows:

At \$255 per pupil if 100 or fewer average daily membership.

At \$275 per pupil if 101 to 200 average daily membership.

At \$290 per pupil if 201 to 300 average daily membership.

It is the intent of the legislature that Table I of this section should be revised each biennium to the end that amendments may be enacted consistent with the

changes in the educational expenditures of the towns. On or before October 1st of each year prior to the convening of the legislature, it shall be the duty of the commissioner 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; c. 443, § 1. 1959, c. 353, § 16. 1961, c. 389, § 1.)

**Effect of amendments.** — The 1957 amendment, which became effective on its approval, January 16, 1958, rewrote Table I, including footnotes 1 and 2, and the first sentence of the last paragraph.

The 1959 amendment also rewrote Table I and the footnotes.

The 1961 amendment also rewrote Table I and the footnotes.

**Effective date.** — P. L. 1961, c. 389, § 2 makes the act effective on July 1, 1962.

**Cited in Opinion of the Justices,** 153 Me. 216, 136 A. (2d) 508.

**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 chapter 16, section 67, 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. Such computation shall be subject to correction in accordance with the final statement filed by the board of equalization on December 1st.

For each classification, except school administrative districts, 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. Subsidy for school administrative districts shall be computed in accordance with this section.



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 average net 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.

When a school administrative district is formed during the biennium, following January 1st of a legislative year, the subsidy for the school administrative district during that biennium shall be computed as follows:

The subsidy for a newly formed school administrative district shall be the sum of the amounts that the towns would have received plus a 10% bonus. During the next succeeding biennium a school administrative district, regardless of the previous net operating costs of the subordinate administrative units, shall receive its subsidy based on the average net foundation program of the district plus the additional bonus as provided in section 237-G.

Any administrative unit, except those to which footnotes 1 or 2 of Table I, section 237-D, are applicable, 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, computed by multiplying the amount that the average net operating cost exceeds its net foundation program allowance by 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 pre-primary or kindergarten 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 expendi-

ture 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.

When a school administrative district has taken over the operation of the public schools within its jurisdiction, the subsidy payment that would normally be paid to the subordinate administrative units which operated the public schools within the confines of the school administrative district prior to the formation of said district shall be paid directly to the school administrative district. (1957, c. 364, § 1; c. 443, § 1. 1959, c. 353, §§ 17-19; c. 363, § 31; c. 378, § 37.)

**Effect of amendments.**—The 1957 amendment, which became effective on its approval, January 16, 1958, rewrote the second paragraph and the fifth paragraph from the end of the section, substituted "pre-primary or kindergarten" for "sub-primary" in the third paragraph from the end and added the last paragraph.

Chapter 353, P. L. 1959, amended this section three times. Section 17 rewrote the second and third paragraphs. Section 18 repealed and replaced the former sixth paragraph from the end with two paragraphs. Section 19 rewrote the fifth para-

graph from the end. P. L. 1959, c. 363, § 31, struck out the words "except that for the year 1958 allocations shall be based on the board of equalization statement filed on December 1, 1956", formerly appearing at the end of the second paragraph.

Chapter 378, P. L. 1959, effective on its approval, January 29, 1960, eliminated "the tentative list" immediately following "shall be" in the second sentence of the second paragraph, and also eliminated "in July" following "filed by it" in that sentence.

Cited in Opinion of the Justices, 153 Me. 216, 136 A. (2d) 508.

**Sec. 237-F.** Repealed by Public Laws 1959, c. 363, § 32.

**Sec. 237-G. Supplemental state aid for reorganized districts.**—When administrative units are reorganized by the formation of "school administrative districts" as provided in sections 111-A to 111-U, the state subsidy paid annually to each such district, as determined in section 237-E, shall be supplemented by an additional 10% of that amount.

In the event that the school administrative district, within 4 years of the time of its formation, fails to provide the following, the additional bonus payable under this section shall not be paid the district thereafter until such time as such provisions are made:

**I.** A program which includes pre-primary or kindergarten through grade 12;

**II.** One secondary facility serving all of the pupils in grades 9 through 12 in the district. Said facility may be constituted as a 4-year school, or combined with grades 7 and 8 to form a 6-year school or 2 or more 3-year schools, except for children living remote from a public school as provided in section 93. (1957, c. 364, § 1; c. 443, § 1. 1959, c. 353, § 20.)

**Effect of amendments.**—The 1957 amendment, which became effective on its approval, January 16, 1958, substituted "sections 111-A to 111-U" for "sections 237-D and 237-E" in the first paragraph and added the second paragraph and subsections I and II.

The 1959 amendment substituted "10% of that amount" for "10% of the percent

to which it is entitled through the computation in section 237-E" in the first paragraph, substituted "4" for "3" near the beginning of the second paragraph and "bonus payable under this section" for "10%" near the middle of that paragraph, substituted "9 through 12" for "9-12" near the beginning of subsection II and added the exception at the end of that subsection.

**Sec. 237-H. State aid for school construction.**—To provide further incentive for the establishment of 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, and on school debts, and Maine school building authority leases assumed

by the district. The state obligation on assumed debts and Maine school building authority leases shall not extend beyond 25 years from the original date of the unit's obligation. The date of the original obligation shall not apply to obligations made prior to August 28, 1957. No financial assistance shall be paid until the school construction has been completed and a full report of the cost of said construction and other expenses for capital outlay purposes is made to the commissioner. The report shall be in such form as the commissioner shall determine and shall include, but not be limited to, the following: The amount of money contributed by the district, the amount of money borrowed for capital outlay purposes, the time within which said borrowed funds are to be repaid and the total amount to be repaid and the amount to be repaid each year, the amount of interest to be paid each year and the rate of interest, the amount of rental due the Maine school building authority under lease agreement between the Maine school building authority and the district. On the basis of all the reports on file in the office of the commissioner on November 1st of each year, the commissioner shall determine the total amount to be paid to all of the school administrative districts and other eligible administrative units in that year, for capital outlay purposes, and shall apportion out of moneys appropriated for this purpose, in December of that year, to the school administrative districts and other eligible administrative units, the same percentage of each administrative unit's expenditures for capital outlay purposes including principal and interest payments and any rental payments under lease agreements between the administrative units and the Maine school building authority as each administrative unit would be entitled to receive in that year based on Table II of section 237-E. In addition to the foregoing, if the district has contributed money to defray all or part of the cost of capital outlay construction, the commissioner shall determine the amount payable to the district for this expenditure; but the commissioner shall have the discretion to pay the entire amount due in one year or he may determine that payment shall be made over a period not to exceed five years. The commissioner, after making a determination as to the payment period, may change the payment period to a shorter period than his original determination, but shall not have the power to extend the payment period after his original determination.

Said apportionment shall apply similarly to payments made for capital outlay purposes on school construction, approved by the commissioner after August 28, 1957, in single municipality administrative units where the April 1st enrollment of resident and tuition pupils in grades 9 through 12 for that year is over 700 pupils and in smaller administrative units when in the judgment of the legislature, on recommendation of the commission, the formation of a school administrative district by consolidation is not geographically or educationally practical. Any municipality qualifying for school construction aid under this section by virtue of receiving tuition students from surrounding municipalities must render at least 2 years' notice to the sending municipalities before discontinuing such acceptance.

When a municipality having more than 100 resident pupils educated at public expense in grades 9 through 12 has contracted with a school administrative district to educate all of the pupils in said district in grades 9 through 12, for a period of from 5 to 20 years, said municipality shall, during the life of said contract, be paid out of moneys appropriated, and apportioned for the purposes of this section, the percentage of said municipality's expenditures for capital outlay purposes as it would be entitled to receive in that year based on Table II of section 237-E.

"Capital outlay purposes" as the term is used in this chapter shall mean the cost of new construction, expansion, acquisition or major alteration of a public school building, the cost of acquisition of all land or interest therein of any nature or description for such construction, expansion, acquisition or major

alteration, and any legal appraisal or surveyors' fees or services with relation thereto, the cost of demolition, of removing any buildings or structures on land so acquired, the cost of furnishings and equipment, financing charges, insurance during construction, cost of architectural, engineering and other legal expenses, plans, specifications, estimates of costs, and such other expense as may be necessary and incidental to any construction, expansion, acquisition or major alteration of a public school building and the placing of such a building in operation.

The term "school building" as used in this section shall mean, but not be limited to, any structure used or useful for schools and playgrounds, including facilities for physical education.

The term "major alteration" as used in this section shall mean the cost of converting an existing public school building to the housing of another or additional grade level group, or providing additional school facilities in an existing public school building but shall not include the restoration of an existing public school building or piece of equipment within it, to a new condition of completeness or efficiency from a worn, damaged or deteriorated condition. (1957, c. 364, § 1; c. 443, § 1. 1959, c. 353, § 21. 1961, c. 215, §§ 1, 2; c. 363.)

**Effect of amendments.**—The 1957 amendment, which became effective on its approval, January 16, 1958, rewrote the first paragraph and added four new paragraphs to this section.

The 1959 amendment substituted three new paragraphs for the first two paragraphs.

Chapter 215, P. L. 1961, added "and on school debts, and Maine school building authority leases assumed by the district" to the end of the first sentence of the present first paragraph of this section, added the second and third sentences of such paragraph, substituted "from 5 to 20 years" for "20 years" near the middle of the present third paragraph, and substituted "it would be entitled to receive in that year based on Table II of section 237-E" for "is payable to municipalities falling in class 21, under Table II in section 237-E, irrespective of the municipality's actual classification as computed under Table II

in section 237-E" at the end of such paragraph. Chapter 363, P. L. 1961, deleted "of education" formerly following "commissioner" and added "and tuition" preceding "pupils" in the first sentence of the present second paragraph of this section. It also added the second sentence of such paragraph.

**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."

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

**Cited in Opinion of the Justices,** 153 Me. 216, 136 A. (2d) 508.

**Sec. 240. Unexpended balances.**—The unexpended balance of all moneys raised by administrative units, received from the state for general-purpose aid or for other educational programs; from the federal government directly or from the federal government through the state; from tuition payments made by other units, the state, or by individuals, and all other receipts for school purposes shall be carried forward and credited to the school resources for the ensuing year. (R. S. c. 37, § 206. 1945, c. 350, § 21. 1953, c. 204, § 8. 1957, c. 364, § 97. 1961, c. 366, § 15.)

**Effect of amendments.** — The 1957 amendment rewrote this section. The 1961 amendment again 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, academies and institutes under this chapter, unless specifically directed by statute, shall be made annually in the following manner; an amount not to exceed  $\frac{2}{3}$  of the estimated subsidy shall be paid on or after August 15th with the balance being paid in December. 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. An administrative unit obligated to make payments to the Maine school building authority on December 1st of any given year may apply in writing through its municipal officer or its board of trustees or school directors 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 administrative units 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. (1945, c. 350, § 24. 1949, c. 48. 1951, c. 124. 1955, c. 65. 1957, c. 300; c. 364, § 99; c. 443, § 33. 1961, c. 111, §§ 1, 2.)

**Effect of amendments.** — The 1955 amendment added a proviso at the end of the first sentence.

The first 1957 amendment added three sentences at the end of the section. The second 1957 amendment made the proviso added in 1955 a separate sentence and substituted "administrative units" for "cities, towns, plantations, community school districts" in the first two sentences. It also struck out apportionments to "academies and institutes" which appeared in the first sentence. The third 1957 amendment, which became effective on its approval, January 16, 1958, substituted "administrative unit" for "municipality or community school district" twice and added "or school

directors" in the present second sentence from the end of this section.

The 1961 amendment inserted "academies and institutes" in the first sentence of this section, deleted "the provisions of" formerly preceding "this chapter" in such sentence, and substituted the language following "annually in" for "December, except that whenever the commissioner is satisfied that a financial need exists, and with the approval of the treasurer of the state, an amount not to exceed  $\frac{2}{3}$  of the estimated subsidy may be paid on or after September 15" formerly appearing at the end of such sentence. It also deleted the last sentence of the section, which was added by the first 1957 amendment.

### Children at Private Tax-Exempt Institutions.

**Sec. 242-A. 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 administrative unit in which such institution is located under the same conditions as pupils residing in such administrative unit, and shall for the purposes of this section be classed as resident pupils, except that if the number of such children in any administrative unit shall exceed 10% of the total public school enrollment in such administrative unit, the administrative unit 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 administrative unit on account of such children enumerated in section

237-C, subsection II, 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 administrative unit annually during the month of December following the end of the school year. (1957, c. 350; c. 443, §§ 31, 32.)

**Editor's note.**—Section 31 of P. L. 1957, c. 443, effective on its approval, January 16, 1958, repealed P. L. 1957, c. 350, which had enacted a section containing provisions similar to this section. Section 32 inserted this section, designating it section 237-I, under the new subheading "Children at Private Tax-exempt Institutions." However, since that would place the section under the existing subheading "State School Funds," the section has been codified as section 242-A.

### Sick Leave for Teachers.

**Sec. 242-B. Minimum sick leave for teachers.** — Each administrative unit operating public schools within the state shall grant all certified teachers, except substitute teachers as defined by the state commissioner of education, a minimum annual sick leave of 10 school days accumulative to a minimum of 30 school days without loss of salary. Any other plan of sick leave which, in the opinion of the state board of education, provides at least equal benefits may be approved in lieu thereof. (1959, c. 206.)

**Editor's note.**—The act inserting this section, under the new subheading "Sick Leave for Teachers," designated it section 237-J. However, since that would place the section under the existing subheading "State School Funds," the section has been codified as section 242-B.

### 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.**

**IV. Sue and be sued.** To sue and be sued in its own name, plead and be impleaded; any and all civil actions against the authority shall be brought only in the county in which the principal office of the authority shall be located; (1961, c. 317, § 88)

**V. Construct, repair, etc., school projects.** 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 school directors of any school administrative district has certified the need therefor to the authority, or the superintending school committee of any administrative unit or the community school committee of a community school district has certified the need therefor to the municipal officers of such administrative unit or the trustees of such community school district, respectively, 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, respectively, and by the state board of education; (1953, c. 290, § 2. 1957, c. 364, § 101; c. 443, § 34. 1961, c. 366, § 16)

**XIII.** Repealed by Public Laws 1961, c. 264, § 2.

**XIII-A.** As funds are appropriated, the authority may make a grant to an administrative unit where the borrowing capacity of the unit, the lease rental policies of the authority, and any other available funds are not sufficient in total to finance the minimum classroom facilities needed. Determination of eligibility shall be pursuant to such reasonable rules and regulations as the authority shall make and its determination shall become final upon approval of the governor and the executive council. Any grant of state appropriated funds made under this section shall be considered as matching funds for any federal law requiring matching funds for school construction assistance. 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 section 71.

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. 634, § 102. 1961, c. 264, § 3)

(1955, c. 474. 1957, c. 364, §§ 101, 102; c. 443, § 34. 1961, c. 264, §§ 2, 3; c. 317, § 88; c. 366, § 16.)

**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" (subsequently deleted in 1961) 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. The third 1957 amendment added the word "respectively" before the word "together" in subsection V, and substituted the words "or authority, respectively, and by the state board of education" ("or au-

thority" subsequently deleted in 1961) for the words "or by the board", formerly appearing at the end of subsection V.

Chapter 264, P. L. 1961, repealed subsection XIII and rewrote the first paragraph of subsection XIII-A. Chapter 317, P. L. 1961, substituted "any and all civil actions" for "provided, however, that any and all actions at law or in equity" in subsection IV of this section. Chapter 366, P. L. 1961, rewrote subsection V.

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

**Effective date.** — P. L. 1957, c. 443, amending this section became effective on its approval, January 16, 1958.

**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 residents of a town voting on this question, or of each town involved in the case of a community school district voting on this question, or by the residents of a school administrative district in the manner provided in section 111-T. 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; c. 443, § 35. 1959, c. 353, § 22.)

**Effect of amendments.** — The first 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. The second 1957 amendment re-wrote the first sentence of the second para-

graph of this section.

The 1959 amendment added the words “voting on this question” after the word “town” and before the word “or” in the first sentence of the second paragraph.

**Effective date.** — P. L. 1957, c. 443, amending this section became effective on its approval, January 16, 1958.

**Sec. 252. Remedies.**—Any holder of bonds issued under sections 243 to 259, or any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights herein given may be restricted by such trust agreement, may by civil action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the state or granted hereunder or under such trust agreement or the resolution authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by sections 243 to 259, or by such trust agreement or resolution to be performed by the authority or by any officer thereof. (1951, c. 405, § 1. 1961, c. 317, § 89.)

**Effect of amendment.**—The 1961 amendment deleted “the provisions of” formerly preceding “sections 243 to 259” and sub-

stituted “by civil action” for “either at law or in equity, by suit, action” in this section.

**Sec. 254. Transfer to administrative units.**—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 substituted “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 pro-