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CHAPTER 119

UNORGANIZED TERRITORIES

Sec.

- 1451. Definitions; school privileges.
- 1452. Non-Indian children living on Indian reservations.
- 1453. Elementary schools; attendance at other schools; tuition; transportation and board.
- 1454. Tuition in secondary school; board.
- 1455. Tuition charges.
- 1456. Schools for persons over 16, not at public schools.
- 1457. Children on government reservations.
- 1458. Unorganized Territory School Fund.
- 1459. Disposal of property or equipment.
- 1460. Census before privileges provided.
- 1461. School tax rate.
- 1462. Unorganized Territory Capital Working Fund.
- 1463. —Use.
- 1464. Assessment for capital outlay.
- 1465. —Additional.
- 1466. Assessment basis; validity.
- 1467. Assessment and collection.
- 1468. Expenditures for 2 or more units.
- 1469. Transfer of property or equipment.
- 1470. Assessment after organization of units.
- 1471. Gifts and bequests; short term investments.
- 1472. School agents and attendance officers; duties.
- 1473. Land for schoolhouses; damages.
- 1474. Payment for school buildings on organization.
- 1475. Appeals.
- 1476. School property taken by State; deorganized towns.
- 1477. Failure to elect officers; State to take charge.
- 1478. Laws applicable.

§ 1451. Definitions; school privileges

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 this chapter, 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.1954, c. 41, § 159; 1957, c. 443, § 24.

§ 1452. 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 1453 and 1454, notwithstanding that these children do not reside in unorganized territory.

1961, c. 382, § 1.

§ 1453. Elementary schools; attendance at other schools; tuition; transportation and board

Elementary school privileges may be provided by the commissioner by establishing and maintaining in the unorganized territory such elementary schools, the minimum school year of which shall be 36 weeks, as may seem advisable and by sending such children to elementary schools anywhere within the State as tuition pupils as he may deem expedient. All children so sent by the commissioner as tuition pupils to any public elementary school in the State shall be admitted by the school authorities having charge thereof upon receiving notice of such intention from the commissioner or any of his duly authorized agents, and they shall be entitled to all privileges and benefits and be subject to the same rules and regulations as children residing in the municipality to which they are sent. Tuition shall be paid by the State for said pupils in accordance with the proportional cost per pupil of the school attended unless a rate of tuition is otherwise agreed upon. Transportation or board, in full or in part, may be paid for such pupils at the discretion of the commissioner.

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.1954, c. 41, § 160; 1961, c. 115.

§ 1454. 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 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.1954, c. 41, § 161; 1955, c. 369, § 7; c. 452, § 1; 1957, c. 429, § 49-A; 1959, c. 259, § 5.

§ 1455. Tuition charges

The superintending school committee of any municipality may, when it seems advantageous and to the best interest of the children concerned, arrange for children who are entitled to school privileges in their respective municipalities to attend schools maintained by the State in unorganized territory, subject to such terms and conditions as the commissioner may determine. Per pupil tuition charges for such an arrangement shall be computed as follows: The gross cost of schooling for the preceding fiscal year, for the unorganized unit in which the school is located, plus the total amount of assessment for capital expenditures, if any, as made for the preceding fiscal year, divided by the average daily attendance of pupils attending school in the unorganized unit during the preceding school year. That portion of tuition income based on capital expenditure shall be credited to the Unorganized Territory Capital Working Fund for the fiscal year in which it is earned and shall reduce the indebtedness charged against the

unorganized unit in which it was earned. The balance of tuition income shall be credited to the General Fund of the State for the year in which it is earned and shall be a credit in computing any school assessment on the property of the unorganized unit concerned. The commissioner is authorized to make such allowances or adjustments as he deems reasonable for conveyance or other services furnished by a sending municipality for pupils sent as tuition students to a school in an unorganized unit.

The superintending school committee of a municipality shall pay, prior to June 30th of the school year for which a schooling agreement is made under this section, any sums agreed upon and shall charge such sums to the appropriations of money raised in said municipality for school purposes.

R.S.1954, c. 41, § 162.

§ 1456. Schools for persons over 16, not at public schools

In addition to making provision for elementary and secondary schooling of children resident in the unorganized territory as provided in sections 1453 to 1455, the commissioner may establish evening schools, day schools, classes and educational activities, which shall admit persons over 16 years of age, who are not in attendance at a public school. Pupils in such schools or classes shall be subject to the same conditions, rules and regulations, as are provided for public schools.

1963, c. 403, § 8.

§ 1457. Children on government reservations

Special arrangements may be made to provide elementary school privileges in cooperation with the United States Government for a child or children residing with a parent or legal guardian at any light station, fog warning station, lifesaving station or other place within a United States government reservation under such rules and regulations as may be made by the commissioner and approved by the Governor and Council.

R.S.1954, c. 41, § 163.

§ 1458. Unorganized Territory School Fund

Such amounts as are necessary to carry out sections 1451, 1453, 1454, 1458, 1460, 1472 and 1478 shall be paid out of the Unorganized Territory School Fund heretofore established. The commissioner is authorized to use this fund for any purpose in con-

nection with the schooling of children in the unorganized territory of the State, including: Salaries, board and traveling expenses of teachers and supervisors; conferences, training programs and professional improvement of teachers; fuel and janitor service; tuition, board and transportation of elementary and secondary school pupils; text and reference books, school apparatus and supplies; leases or rentals of lots or school buildings; minor repairs to school buildings or equipment; services, expenses and fees of agents, attendance officers and clerical assistants; 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.1954, c. 41, § 164; 1955, c. 452, § 2.

§ 1459. 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 1458 for the benefit of the children in the unorganized unit where the property is located.

1959, c. 38, § 1.

§ 1460. Census before privileges provided

Before school privileges are provided in accordance with sections 1451 to 1457 for a child or children in any unorganized unit, it shall be the duty of the commissioner through his agents to procure returns showing the number of persons, including the names and ages of those between 5 and 21 years, resident therein, together with such other information as he may deem necessary, and similar returns shall be required by him annually thereafter on the first day of April, or corrected to the first day of April, as long as school privileges are so provided.

R.S.1954, c. 41, § 165.

§ 1461. School tax rate

1. Assessment. On April 1st, annually, the total cost of school privileges provided in any unorganized unit under sections 1451, 1453, 1454 and 1458, for the school year ending on the preceding June 30th, 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 Title 30, section 4165, subsection 1, 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 Title 36, section 1142. Said assessment shall be limited to a school tax rate of 10 mills on the dollar above the average of school tax rates of the municipalities of the State for the preceding school year.

It shall be the duty of the commissioner to furnish on or before February 10th 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 for such unorganized units, for use in making said tax assessment and as a permanent record thereof. A copy of said statement shall 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.

1955, c. 179.

2. Payment and collection. The State Tax Assessor shall include the amounts of such school tax assessment, as made in accordance with Title 36, section 1142, in the statements referred to in Title 36, section 1145. He shall collect such taxes and deposit the receipts with the Treasurer of State daily. Payment and collection of such school taxes shall be in accordance with Title 36, sections 1281 to 1283.

3. Additional amounts. Such additional amounts as are recommended by the commissioner as necessary to carry out sections 1451, 1453, 1454, 1458, 1460, 1472 and 1478 shall be paid out of such sums as may be appropriated by the Legislature and credited to the Unorganized Territory School Fund.

4. Unexpended balance. Any unexpended balance in the Unorganized Territory School Fund shall be carried forward and shall not lapse into the Unappropriated Surplus Account.

R.S.1954, c. 41, § 166; 1955, c. 179.

§ 1462. Unorganized Territory Capital Working Fund

The Unorganized Territory Capital Working Fund, as heretofore established and hereinafter in sections 1462 to 1471 referred

to as the "fund," shall be a continuing fund in the books of the State to be used as provided in section 1463. Any unexpended balances shall not lapse, but shall remain a continuing carrying account.

R.S.1954, c. 41, § 167.

§ 1463. —Use

The commissioner is authorized to use the fund for erection, equipment, major repair, remodeling and alteration of school houses and other requisite buildings, the purchase of lots or buildings for school purposes, the purchase of lots or buildings for faculty housing, the purchase, equipment and major repair of school buses, and for any other necessary capital expenses in connection with the schooling of children in the unorganized territory of the State.

R.S.1954, c. 41, § 168; 1963, c. 217, § 1.

§ 1464. Assessment for capital outlay

Expenditures for capital outlay made during any school year ending June 30th in any unorganized unit, as defined in section 1451, shall be assessed upon the property of said unorganized unit by the State Tax Assessor and added to the state tax for the year in which it is assessed. Said assessment shall not exceed 1% of the state valuation of said unorganized unit in any one year. Should such assessment fail in any one year to equal the amount expended, any balance remaining shall be assessed each succeeding year upon the property of said unorganized unit in amounts that shall not exceed in any one year 1% of the valuation of the said unorganized unit, until the whole expenditure has been returned to the fund. It shall be the duty of the commissioner to file on or before March 15th of each year with the State Tax Assessor a statement of expenditures made during the preceding fiscal year under section 1463 and of any balances due in accordance with this section for use in making said tax assessment and as a permanent record thereof. A copy of said statement shall be furnished the Commissioner of Finance and Administration who shall credit the Unorganized Territory Capital Working Fund with the amount of said tax assessment. Nothing in this section shall prevent the commissioner, with the approval of the state board, from making capital expenditures of income from short-term investments as described in section 1471 for the use of 3

or more units in the unorganized territory without assessing the expenditures on the property of any unit.

R.S.1954, c. 41, § 169; 1963, c. 217, § 2.

§ 1465. —Additional

The assessment or assessments provided under section 1464 shall be in addition to any other assessment made on the property in an unorganized unit for school purposes.

R.S.1954, c. 41, § 170.

§ 1466. Assessment basis; validity

All assessments made under sections 1462 to 1471 shall be based on the valuation of each unorganized unit as determined for the year in which the assessment is made by the State Board of Equalization, and set forth in the statement filed by it as provided in Title 36, section 381. Any assessments made shall be valid, and all remedies heretofore or hereafter provided for the collection of state taxes shall apply.

R.S.1954, c. 41, § 171.

§ 1467. Assessment and collection

The State Tax Assessor shall, not later than April 1st, following the filing of the statement by the commissioner as provided by section 1464, make an assessment of the total amount certified and shall determine the amount of tax due in accordance with Title 36, section 1142 and include such amount in the statement referred to in Title 36, section 1145. The State Tax Assessor shall collect such taxes and deposit the receipts with the Treasurer of State daily. Payment and collection of such taxes shall be in accordance with Title 36, sections 1281 to 1283.

R.S.1954, c. 41, § 172.

§ 1468. Expenditures for 2 or more units

When 2 or more unorganized units share the advantages of a capital expenditure made under sections 1462 to 1471, the commissioner shall determine as equitably as possible the amount of such expenditures to be assessed on the property of the respective units as provided in section 1464.

R.S.1954, c. 41, § 173.

§ 1469. Transfer of property or equipment

Whenever any property or equipment is purchased under sections 1462 to 1468, a depreciation control of the asset shall be kept and when it is transferred from one unorganized unit to another, a credit for remaining use value, as determined by the commissioner, shall be given to the unorganized unit from which the property is transferred and a corresponding amount shall be charged in accordance with section 1464 to the unorganized unit receiving the property.

R.S.1954, c. 41, § 174.

§ 1470. Assessment after organization of units

Whenever any unorganized unit, in which capital expenditures have been made under sections 1462 to 1471, becomes organized as a town or plantation, the State Tax Assessor shall add annually to the state tax of such town or plantation the amount such town or plantation would have paid in accordance with section 1464 had it not become organized.

R.S.1954, c. 41, § 175.

§ 1471. Gifts and bequests; short term investments

The Treasurer of State is authorized to accept gifts, bequests and other funds from public or private agencies, subject to any conditions contained therein provided such conditions are approved by the state board to be credited to the Capital Working Fund. When any such gift, bequest or grant is made for a particularly designated purpose, the amount so received shall be used to reduce the total amount of capital outlay involved in the project designated and due to be returned to the fund as provided in section 1464.

The Treasurer of State may, with the approval of the state board, make short-term investments of accumulated assets in the Capital Working Fund, the income and capital to be returned to the Capital Working Fund and the income expended by the commissioner, with the approval of the state board, for the purposes described in section 1463.

R.S.1954, c. 41, § 176; 1963, c. 217, § 3.

§ 1472. School agents and attendance officers; duties

The commissioner shall have authority to appoint agents for the whole and any portion of the unorganized territory, and said

agents shall perform such duties in connection with the schooling of children as the commissioner may authorize or delegate in each particular appointment. Said agents shall act as attendance officers for the territory covered by their appointment. Special attendance officers as may appear necessary may be appointed by said commissioner for any unorganized unit. Attendance officers for the unorganized territory shall have the same authority and be under the same obligations as provided in section 913, with such changes as provided in section 1478.

R.S.1954, c. 41, § 177.

§ 1473. Land for schoolhouses; damages

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

R.S.1954, c. 41, § 178.

§ 1474. Payment for school buildings on organization

Whenever any unorganized unit becomes organized as a town or plantation, such town or plantation shall, within 5 years of the date of said organization, through the commissioner, pay to the Treasurer of State for each school building within its limits erected or remodeled prior to August 20, 1951, a sum to be determined by the commissioner and approved by the state board, which

sum shall be credited to the General Fund of the State. A record shall be kept by the commissioner of the cost of all such buildings, lots and improvements, which shall be used as a basis for such settlement. Any town or plantation dissatisfied with the sum determined upon by the said commissioner in such case may, after a vote taken by the town or plantation at a regular or special meeting called for the purpose, appeal to the Governor and Council who shall make the final decision relative thereto.

R.S.1954, c. 41, § 180.

§ 1475. Appeals

If the owner is aggrieved at the location of the lot or the damages awarded, he may apply to the State Tax Assessor within 3 months, who may change the location and assess the damages. If the damages are increased or the location changed, the State shall pay the damages and costs; otherwise the costs shall be paid by the applicant.

R.S.1954, c. 41, § 179.

§ 1476. School property taken by State; deorganized towns

Any school building in unorganized territory may be used and held for school purposes by the commissioner and all repairs, changes or additions thereto shall be made under his direction or that of a duly authorized agent. All school buildings not privately owned in unorganized territory are declared to be the property of the State. Whenever a town or plantation becomes deorganized by Act of the Legislature, all school property therein shall become the property of the State and under the charge of the commissioner, the same as other school property in unorganized territory.

R.S.1954, c. 41, § 181.

§ 1477. Failure to elect officers; State to take charge

Whenever the civil organization of any town or plantation becomes defunct through failure to hold the annual town or plantation meeting, failure to fill vacancies in necessary offices or in any other manner, it shall be the duty of the commissioner to assume charge of all school property therein, to require an accounting for all town or plantation school funds and to provide school privileges for children between 5 and 21 years of age whose parents are residents of such town or plantation, until such time

as it shall recover its civil organization or is deorganized by Act of the Legislature. The commissioner may provide the school privileges in such manner as he may deem expedient under the supervision of any of the agents of the unorganized territory or a special agent appointed by him for the purpose. The expense of such school privileges shall be paid from the appropriation for schooling in unorganized territory, and in case any such town or plantation recovers its civil organization within a period of 2 years, the amount of any such expense paid by the State shall, upon recommendation of the commissioner, be deducted by the Treasurer of State from any school funds that may subsequently become payable to such town or plantation by the State and credited to the appropriation for schooling in unorganized territory.

R.S.1954, c. 41, § 182.

§ 1478. Laws applicable

The compulsory school attendance laws, child labor laws and sections 571, 1013, 1014 and 3771 to 3773 shall apply to children of the unorganized territory of the State the same as to the children of municipalities with such changes thereof relative to officials, courts, disposal of fines, etc., as may be made by the commissioner and approved by a Justice of the Supreme Judicial Court, to make these laws applicable to the unorganized territory while retaining the general principles of the laws. It shall be the duty of the said commissioner to have these laws, with the changes as made, printed in sufficient quantity for use in the unorganized territory and to supply them to any person making application therefor.

R.S.1954, c. 41, § 183.