

# MAINE STATE LEGISLATURE

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*Maine*  
REVISED STATUTES  
1964

*Prepared Under the Supervision  
of the  
Committee on Revision of Statutes*

Being the Tenth Revision of the  
Revised Statutes of the State  
of Maine, 1964

Volume 3  
Titles 14 to 20



**Boston, Mass.**  
Boston Law Book Co.

**Orford, N. H.**  
Equity Publishing Corporation

**St. Paul, Minn.**  
West Publishing Co.

Text of Revised Statutes  
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## PART 6

## FINANCING AND SCHOOL PROPERTY

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## CHAPTER 501

## STATE SCHOOL FUNDS

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**§ 3451. 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.

The Treasurer of State and the State Controller are authorized to apply in full restoration of losses sustained on impounded bank accounts of the "Permanent School Fund" from profits available on sale of capital assets of said fund and they are further authorized to set up an account "Reserve against Future Losses" in such amount as is and shall be available from capital gains after restoration of losses on impounded bank accounts, and all future capital gains or losses of this fund shall be

charged to this account. All income received from investments of the "Reserve against Future Losses" account shall be distributed in the same manner as the income received from investments of the principal of the fund.

R.S.1954, c. 41, § 235; 1957, c. 364, § 95.

### § 3452. Definitions

For the purposes of this chapter, chapters 117, 207, 209, 211 and 511, and sections 522, 1292 and 3518, the following terms are defined:

**1. Administrative unit.** "Administrative unit" shall include all municipal or quasi-municipal corporations responsible for operating public schools.

**2. Aggregate attendance.** "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.

**3. Elementary school.** "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 1281.

**4. Membership.** "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.

**5. Secondary school.** "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 1281 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 acade-

my within the town or in an adjoining town as provided for by section 1289.

**6. Teaching positions.** "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 enrolled 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.

R.S.1954, c. 41, § 236; 1955, c. 369, § 9; 1957, c. 364, § 96; 1959, c. 259, § 6.

### § 3453. 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.1954, c. 41, § 240; 1957, c. 364, § 97; 1961, c. 366, § 15.

### § 3454. Apportionment when return not filed

Whenever the information required for the purposes of this chapter, chapters 117, 207, 209, 211 and 511, and sections 522, 1292 and 3518 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 chapters and 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.1954, c. 41, § 241; 1957, c. 364, § 98.

### § 3455. Apportionments

All apportionments to administrative units, academies and institutes under this Title, 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 officers or its board of trustees or school directors to the commissioner 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.

R.S.1954, c. 41, § 242; 1955, c. 65; 1957, c. 300; c. 364, § 99; c. 443, § 33; 1961, c. 111, §§ 1, 2.

### § 3456. Supplemental aid for reorganized districts

When administrative units are reorganized by the formation of "School Administrative Districts" as provided in chapter 9, the state subsidy paid annually to each such district, as determined in section 3723, 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:

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

**2. Secondary facility.** 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 912. (1959, c. 353, § 20.)

1957, c. 364, § 1; c. 443, § 1; 1959, c. 353, § 20; 1961, c. 417, § 130.