

MAINE STATE LEGISLATURE

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LAWS OF MAINE

RELATING TO

PUBLIC SCHOOLS

1905



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This pamphlet will be sent free on application to W. W. Stetson,
State Superintendent of Public Schools, Augusta, Maine.

LAWS OF MAINE

RELATING TO

PUBLIC SCHOOLS.

Being Chapter 15, Revised Statutes of 1903, (and subsequent amendments thereto) governing the management of all public schools except those in districts organized with special powers by acts of Legislature.

CHAPTER 15.

EDUCATION OF YOUTH.

LOCATION OF SCHOOLS.

SEC. 1. The school districts in all towns in the state are abolished. *Provided, however,* that school districts organized with special powers by act of the legislature may retain such organization and special powers; but said districts shall annually, on or before the first day of June, by their agents, trustees or directors, submit to the school committees of their several towns estimates of the amounts required for the maintenance of the schools therein, other than free high schools, for the ensuing school year, and shall be entitled to such portion of the common school funds of the town as said committees shall determine, which sum shall not be less than is necessary for the maintenance of their schools for a period equal to that of the other schools of the town; and *provided further,* that the corporate powers of every school district shall continue so far as the same may be necessary for meeting its liabilities and enforcing its rights; and any property held in trust by any school district by virtue of a gift, devise or bequest for the benefit of said district shall continue to be held and used according to the terms thereof.

SEC. 2. The location of any school legally established prior to March seventeen, eighteen hundred and ninety-three continues unchanged, notwithstanding the district is abolished; but any town at its annual meeting, or at a meeting called for the purpose, may determine the number and location of its schools, and may discontinue them or change their location; but such discontinuance or change of location shall be made only on the written recommendation of the superintending school committee, and on conditions proper to preserve the just rights and privileges of the inhabitants for whose benefits such schools were established; *provided, however,* that in case any school shall hereafter have too few scholars for its profitable maintenance, the superintending school committee may suspend the operation of such school for not more than one year unless otherwise instructed by the town, but any public school failing to maintain an average attendance for any school year, of at least eight pupils, shall be and hereby is suspended, unless the town in which said school is located shall by vote, at the annual meeting, after the said committee shall have made a written recommendation to that effect, instruct its superintending school committee to maintain said school. The superintendent of schools in each town shall procure the conveyance of all public school pupils residing in his town, a part or the whole of the distance, to and from the nearest suitable school, for the number of weeks for which schools are maintained in each year, when such pupils reside at such a distance from the said school as in the judgment of the superintending school committee shall render such conveyance necessary. *Provided, however,* that the superintending school committee may authorize the superintendent of schools to pay the board of any pupil or pupils at a suitable place near any established school instead of providing conveyance for said pupil or pupils, when in their judgment it may be done at an equal or less expense than by conveyance.

SEC. 3. 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, 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, not exceeding three acres, and appraise the damages therefor; 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 town designating it may take such lot to be held and used for the purposes aforesaid; and when such schoolhouse has ceased to be thereon for two years, said lot reverts to the owner, his heirs or assigns. And any town or city 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, as herein provided; but no real estate shall be so taken within fifty feet of a dwelling-house, and all schoolhouse lots and playgrounds that require fencing shall be fenced by the town or city.

SEC. 4. If the owner is aggrieved at the location of the lot, or the damages awarded, he may apply to the county commissioners within six months, who may change the location and assess the damages. If the damages are increased, or the location changed, such town or district shall pay the damages and costs; otherwise the costs shall be paid by the applicant.

SEC. 5. If any town or school district, 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, three legal voters and taxpayers thereof may apply in writing to the selectmen of said town, and have the lot, so designated or described, re-appraised by them.

SEC. 6. The selectmen of any town to whom such application has been made, shall forthwith give not less than seven nor more than twenty days' notice to the clerk of said town or district 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 district or town, either by buildings or otherwise; and shall, as soon as practicable, notify the town or district clerk, and the persons interested in said estate who had been notified as hereinbefore provided, of the sum at which said lots has been appraised.

SEC. 7. The sum fixed as the value of said lot shall be assessed, collected and paid over as other school money.

SEC. 8. Any sum which has been tendered and is in the hands or under the control of the persons owning or having charge of such land, shall be allowed in payment of said appraisal.

SEC. 9. If the town or district, or persons owning or having charge of the land on which such location is made, are dissatisfied with such appraisal, either party may within ten 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 town, shall be final.

SEC. 10. When any school district or town 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 town or district, and the same may be as completely occupied and controlled by such town or district as it would have been if such location had been in strict conformity to law.

SEC. 11. The legality of a tax assessed to build, repair or move a schoolhouse and to pay for a lot, shall not be affected by any mistake or error in the designation or location thereof.

SEC. 12. A plan for the erection or reconstruction of a schoolhouse voted by a town, shall first be approved by the superintending school committee, and in case no special building committee has been chosen by the town, said superintending school committee shall have charge of said erection or reconstruction; *provided, however*, that they may if they see fit, delegate said power and duty to the superintendent of schools.

DUTIES OF TOWNS.

SEC. 13. Every town shall raise and expend, annually, for the support of common 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 eighty cents 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

four times the amount of its deficiency, and all moneys provided by towns, or apportioned by the state for the support of common schools, shall be expended for the maintenance of common schools established and controlled by the towns by which said moneys are provided, or to which said moneys are apportioned; but nothing in this section shall be so construed as to annul, or render void, the provisions made in section eighteen of this chapter for the establishment and maintenance of union schools by adjoining towns.

SEC. 14. All towns incorporated since seventeen hundred and eighty-eight, not formerly parts of other towns, which fail to account for the permanent school fund arising from sale or lease of school lands in said towns, shall annually raise and expend for the maintenance of common schools not less than forty-five dollars in addition to the amount required by law to be raised and expended for the support of said schools.

SEC. 15. No money appropriated by law for public schools shall be paid from the treasury of any town, except upon the written order of its municipal officers; and no such order shall be drawn by said officers except upon presentation of a properly avouched bill of items. The unexpended balance of all moneys raised by towns, or received from the state, for the payment of wages and board of teachers, fuel, janitors' services, conveyance or tuition and board of scholars, shall be credited to the school fund of the town and shall be brought forward in the item of resources for the year following that in which said unexpended balance occurred. This clause, relating to unexpended balances, shall not apply to cities.

SEC. 16. When the governor and council have reason to believe that a town has neglected to raise and expend the school money required by law, or to examine teachers as prescribed by law, or to have instruction given in the subjects prescribed by law, or to provide suitable text-books 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 laws prescribing the duties of towns in relation to public schools, they shall direct the treasurer of state to withhold further payment to such town from the state school fund and mill tax until such town satisfies them that it has expended the full amount of school money as required by law.

SEC. 17. The school moneys of every town shall be so expended as to give as nearly as practicable the same aggregate annual length of terms in all its schools, and every town shall make provision for the maintenance of all its schools for not less than twenty weeks annually. Any town failing to maintain its schools as provided in this section, shall be debarred from drawing its state school moneys, till it shall have made suitable provisions for so maintaining them thereafter.

SEC. 18. Adjoining towns, upon the written recommendation of the school committee of said towns, may by concurrent action maintain union schools for the benefit of parts of said towns constituting on March one, eighteen hundred and ninety-four, union school districts, 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.

SEC. 19. Towns shall expend the entire amount of the school fund and mill tax received from the state, together with the amounts arising from the eighty cents per capita, as provided in section thirteen of said chapter fifteen and the funds arising from the various sources enumerated in the first four lines of section thirteen of said chapter and the funds arising from the provisions of section fourteen of said chapter, for the payment of teachers' wages and board, fuel, janitors' services, conveyance of scholars and tuition and board of scholars, as provided in section two and section fifty of said chapter fifteen and shall provide school books, apparatus and appliances for the use of pupils in the public schools, including all free high schools, at the expense of said town; and shall also pay for the necessary repairs of school buildings and insurance on same, if any, 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 towns are required by law to raise, assess and expend for the support of common schools; *provided, however*, that 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 text-books required to be used in such schools.

SEC. 20. School committees shall make such rules and regulations not repugnant to law, as they deem proper, for the distribution and preservation of school books and appliances furnished at the expense of the town.

SEC. 21. When a pupil in the public schools loses, destroys, or unnecessarily injures any such school book or appliance, furnished such pupil at the expense of said town, his parent or guardian shall be notified, and if the loss or damage is not made good to the satisfaction of such committee within a reasonable time, they shall report the case to the assessors, 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.

SEC. 22. Any city or town may, in addition to the sum raised for the support of the common schools, raise and appropriate money for the support of evening schools, which shall admit persons of any age, shall teach only the elementary branches, and shall be under the direction and supervision of the superintending school committee.

SEC. 23. Any city or town may annually make provision for free instruction in industrial or mechanical drawing, to persons over fifteen years of age, either in day or evening schools, under direction of the superintending school committee.

SEC. 24. Any city or town may, in addition to the sum raised for the support of the common schools, raise and appropriate money for the support of manual training schools and may receive gifts and bequests for the use, maintenance and support of such schools.

SEC. 25. Such schools shall be under the control, direction and supervision of the superintending school committee, and shall admit such persons between the ages of six and twenty-one years, and shall give such courses of instruction as said committee may determine. Pupils in such schools shall be subject to the same conditions, rules and regulations as are provided for public schools.

SEC. 26. Persons between the ages of five and twenty-one years living at any light 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 town in which they attend school.

SEC. 27. The age of pupils allowed to attend the public schools of the state is hereby fixed between the ages of five and twenty-one years.

SEC. 28. The assessors or municipal officers of each town, shall, on or before the first day of each May, make to the state superintendent of public schools, a certificate, under oath, embracing the following items:

I. The amount voted by the town for common schools at the preceding annual meeting.

II. The amount of school moneys payable to the town from the state treasury during the year ending with the first day of the preceding April.

III. The amount of money actually expended for common schools during the last school year.

IV. The amount of school moneys unexpended.

V. Answers to such other inquiries as are presented to secure a full and complete statement of school revenues and expenditures.

SEC. 29. Every town shall choose by ballot at its annual meeting a superintending school committee of three, to hold office as provided in the following section and shall fill vacancies arising therein at each subsequent annual meeting. No person is ineligible to the office of superintending school committee, on account of sex.

SEC. 30. School committees first chosen shall designate by lot a member or members to hold office for one, two and three years respectively, in manner as follows: one for one year, one for two years and one for three years; and they shall certify such designation to the town clerk to be by him recorded; and thereafterwards one member shall be chosen by ballot at the annual meeting of the town, to hold office for three 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 town shall be employed as teacher in any public school in said town.

SEC. 31. The provisions of the two preceding sections shall not apply to cities whose charters specify the methods of election

and term of office of a superintending school committee or board of education; nor to towns, cities and incorporated districts authorized by private and special laws to choose school committees other than those herein provided for.

SEC. 32. A town failing to elect members of the superintending school committee as required by law, forfeits not less than thirty, nor more than two hundred dollars.

SEC. 33. Superintending school committees shall serve without pay, unless otherwise voted by the town, but the superintendent shall receive for his services such sum as the town shall annually vote therefor, which sum shall in no case be less than two dollars a day for every day of actual service and necessary traveling expenses.

POWER AND DUTIES OF SUPERINTENDING SCHOOL COMMITTEES
AND SUPERINTENDENTS.

SEC. 34. The management of the schools and the custody and care, including repairs and insurance on school buildings, of all school property in every town, shall devolve upon the superintending school committee which shall annually, and as often as a vacancy shall occur, elect a superintendent of schools who shall not be a member of the committee. This section shall not apply to cities, nor to towns authorized by special laws to employ or choose superintendents in manner otherwise than as herein provided.

SEC. 35. Superintending school committees shall perform the following duties:

I. Direct the general course of instruction, and select a uniform system of book-texts, due notice of which shall be given; no text-book thus introduced, shall be changed for five years unless by vote of the town; any person violating this provision shall forfeit not exceeding five hundred dollars, to be recovered in an action of debt by any school officer or person aggrieved. And when said committee have made such selection of school books, they may contract, under section nineteen, with the publishers for the purchase and delivery thereof; make such rules as they deem effectual for their preservation and return; or, if they are kept for sale, may regulate the sale and appoint an agent to keep and sell them, and fix the retail price, which shall be marked on the title page of each book.

II. They shall make provision 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.

III. 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.

IV. 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.

V. Exclude, if they deem it expedient, any person not vaccinated, although otherwise entitled to admission.

VI. Prescribe the sum, on payment of which persons of the required age, resident on territory, the jurisdiction of which has been ceded to the United States, included in or surrounded by the town, may attend school in the town.

VII. 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.

SEC. 36. The superintendent of schools in every town shall be, ex-officio, secretary of the superintending school committee and shall perform such duties not herein enumerated as said committee shall direct.

I. He shall appoint suitable times and places for the examination of candidates proposing to teach in town, and shall give notice thereof by posting the same in two or more public places within the town at least three weeks before the time of said examination, or by the publication of said notice for a like time in one or more newspapers having the largest circulation in the county. Five days constitute the school week, and four weeks a school month.

II. On satisfactory evidence that a candidate possesses a good moral character and a temper and disposition suitable for

an instructor of youth, he shall examine him in reading, spelling, English grammar, geography, history, arithmetic, civil government, bookkeeping, and physiology with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system; and the elements of the natural sciences, especially as applied to agriculture, and such other branches as the superintending school committee desire to introduce into public schools, and particularly into the school for which he is examined; also as to his capacity for the government thereof.

III. He shall give to each candidate found competent, a certificate that he is qualified to govern said school and instruct in the branches above named, and such other branches as may be necessary to be taught therein, or he may render valid by indorsement any graded certificates issued to teachers by normal school principals. No certificate shall be granted any person to teach in the public schools of the state, who has not passed a satisfactory examination in physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system.

IV. He shall employ teachers, subject to the approval of the superintending school committee.

V. He shall return under oath to the school committee, in April annually, a certified list of the names and ages of all persons in his town from five to twenty-one years, corrected to the first day of said month, leaving out of said enumeration all persons coming from other places to attend any college or academy, or to labor in any factory, or at any manufacturing or other business.

SEC. 37. He shall annually make returns to the state superintendent of public schools, of the number of persons between the ages of five and twenty-one years, corrected to the first day of April preceding the time of making said returns, and give full and complete answers to the inquiries contained in the blank forms furnished him by law; certify that such statement is true and correct, according to his best knowledge and belief; and transmit it to the office of the state superintendent on or before the first day of each May. He shall also furnish such other information relating to the public schools as the said superintendent shall at any time require of him.

SEC. 38. The return called for in section thirty-seven shall contain the following particulars:

I. The number of children between five and twenty-one years of age, belonging to his town, on the first day of April preceding.

II. The whole number and the average number of scholars attending the summer schools; the whole number and the average, attending the winter schools, also the total number of different scholars attending school two weeks or more of the preceding year, as shall appear from the teachers' registers returnable as provided in section eighty-five.

III. The average length of the summer schools in weeks; the average length of the winter schools in weeks; and the average length of the schools for the year.

IV. The number of male, and of female teachers employed in the public schools during any part of the year.

V. The wages of male teachers a month, and the wages of female teachers a week, the cost of board to be added to the wages, in case the town pays the board.

SEC. 39. He shall examine the schools and inquire into the regulations and discipline thereof, and the proficiency of the scholars, for which purpose he shall visit each school at least twice each term. At the annual town meeting, he shall make a written report of the condition of the schools for the past year, the proficiency made by the pupils, and the success attending the modes of instruction and government thereof, and transmit a copy to the state superintendent of public schools.

SEC. 40. The school committees of two or more towns, having under their care and custody an aggregate of not less than twenty, nor more than fifty schools, may unite in the employment of a superintendent of schools, *provided* they have been so authorized by a vote of their towns at the regular town meetings, or special town meetings called for that purpose.

SEC. 41. The school committees of the towns comprising a union shall form a joint committee, and for the purposes of this section and the four following sections, said joint committee shall be held to be the agents of each town comprising the union. Said joint committee shall meet annually 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. They shall determine the relative amount of service to be performed by the superintendent in each town, fix his salary, apportion the amounts thereof to be paid by the several towns, which amount shall be certified to the treasurers of said towns respectively; *provided* that the amounts so certified shall be in proportion to the amount of service performed in the several towns. They shall choose by ballot a superintendent of schools for a term not exceeding five years, in which choice the committee of each town shall have a vote proportional to the town's share of the expenditure for the superintendent's salary.

SEC. 42. Whenever the chairman and secretary of said joint committee shall certify under oath to the state superintendent of public schools, the form of certificate to be determined by said state superintendent, in accordance with the provisions hereof, that a union has been effected as herein provided, that the towns unitedly have raised by taxation a sum not less than five hundred dollars for the support of a superintendent of schools, and that under the provisions of the two preceding sections a superintendent of schools has been employed for one year, then, upon the approval of said certificate by the state superintendent of public schools, and the presentation thereof to the governor and council, a warrant shall be drawn upon the treasurer of the state for the payment to the treasurers of the several towns of a sum equal to one-half the amount expended for superintendence by each of the several towns comprising the union, *provided* that not more than two hundred and fifty dollars shall be paid to any one town nor more than seven hundred and fifty dollars to all the towns comprising any union.

SEC. 43. The towns uniting for the purpose of employing a superintendent of schools shall appropriate for his salary their proportion of the sum paid said superintendent; and the amount to be paid by each town shall be determined by dividing the entire sum expended for superintendence among the towns comprising the union in the proportion of the service performed in each town.

SEC. 44. Persons employed to serve as superintendents of schools under section forty-one shall hold state certificates under

section one hundred and five and shall devote their entire time to superintendence. The powers and duties of such superintendents shall be the same as those prescribed for town superintendents in this chapter.

SEC. 45. No town shall receive state aid under section forty-two unless its appropriation and expenditure for superintendence have been exclusive of the amount required by law for common school purposes. If any part of the money raised by the towns or union of towns, or paid to them by the state for superintendence, is expended for any other purposes than those provided for in said section, then each person so misappropriating said money shall forfeit double the sum so misapplied, to be recovered in an action of debt, in the name and to the use of the town, by any inhabitant thereof; and no town or union of towns shall receive further aid under said section until the amount so misapplied has been raised and expended for superintendence by such town or union of towns. The provisions of this section and of the five preceding sections shall apply equally to towns formed by the union of two or more towns.

COMPULSORY EDUCATION.

SEC. 46. Towns may make such by-laws, not repugnant to law, concerning habitual truants, and children between six and seventeen years of age not attending school, without any regular and lawful occupation, and growing up in ignorance, as are most conducive to their welfare and the good order of society; and may annex a suitable penalty, not exceeding twenty dollars, for any breach thereof; but such by-laws must be first approved by a judge of the supreme judicial court.

SEC. 47. Truant officers elected as provided in section fifty-one shall alone make complaints for violations of said by-laws, and shall execute the judgments of the magistrate.

SEC. 48. Said magistrate, in place of fine, may order children proved to be growing up in truancy, and without the benefit of the education provided for them by law, to be placed for such periods as he thinks expedient, in the institution of instruction, house of reformation, or other suitable situation provided for the purpose under section forty-six.

SEC. 49. Every child between the seventh and fifteenth anniversaries of his birth shall attend some public day school during the time such school is in session, and an absence therefrom of one-half day or more shall be deemed a violation of this requirement; provided that necessary absence may be excused by the superintending school committee or superintendent of schools or teachers acting by direction of either; provided also, that such attendance shall not be required if the child obtained equivalent instruction, for a like period of time, in an approved private school or in any other manner approved by the superintending school committee; provided, further, that children shall not be credited with attendance at a private school until a certificate showing their names, residences 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 town in which said children reside; and provided, further, that the superintending school committee may exclude from the public schools any child whose physical or mental condition makes it inexpedient for him to attend. All persons having children under their control shall cause them to attend school as provided in this section, and for every neglect of such duty shall be punished by a fine not exceeding twenty-five dollars or shall be imprisoned not exceeding thirty days.

SEC. 50. Children living remote from any public school in the town in which they reside may be allowed to attend the public schools, other than a high school approved as provided in section sixty-three, in an adjoining town, under such regulations and on such terms as the school committees of said towns agree upon and prescribe, and the school committee of the town in which such children reside shall pay the sum agreed upon, out of the appropriations of money raised in said town for school purposes. Except as above provided, a child attending a public school, other than a high school approved as provided in section sixty-three, in a town in which his parent or legal guardian does not reside, after having obtained the consent of the school committee of such town, shall pay, as tuition, a sum equal to the average expense of each scholar in such school.

SEC. 51. Cities and towns shall annually elect one or more persons, to be designated truant officers, who shall inquire into

all cases of neglect of the duties prescribed in section forty-nine and ascertain the reasons therefor and shall promptly report the same to the superintending school committee, and such truant officers or any of them shall, when so directed by the school committee or superintendent in writing, prosecute in the name of the city or town, any person neglecting to perform the duties prescribed in said section, by promptly entering a complaint before a magistrate; and said officers shall, when notified by any teacher that any pupil is irregular in attendance, arrest and take such pupil to school when found truant; and further such officers shall enforce the provisions of sections one hundred and eighteen to one hundred and twenty, inclusive, of this chapter. Every city or town neglecting to elect truant officers, and truant officers neglecting any duty required of them under the provisions of this chapter shall forfeit not less than ten nor more than fifty dollars. The municipal officers shall fix the compensation of the truant officers, elected as prescribed in this section. Superintending school committees may fill vacancies occurring during the year, and shall elect truant officers at their first meeting after the annual meeting of the town, in case the town neglects to do so, or the truant officers elect, or any of them, fail to qualify.

SEC. 52. If a child without sufficient excuse, shall be absent from school at six or more consecutive sessions during any term, he shall be deemed an habitual truant, and the superintending school committee shall notify him and any person under whose control he may be that unless he conforms to section forty-nine, the provisions of the two following sections will be enforced against them; and if thereafter such child continues irregular in attendance, the truant officers or any of them shall, when so directed by the school committee or superintendent in writing, enforce said provisions by complaint.

SEC. 53. Any person having control of a child, who is an habitual truant, as defined in the foregoing section, 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 not exceeding twenty dollars or shall be imprisoned not exceeding thirty days.

SEC. 54. On complaint of the truant officer, an habitual truant, if a boy, may be committed to the State School for Boys, or if a girl, to the State Industrial School for Girls, or to any truant school that may hereafter be established. Police or municipal courts and trial justices shall have jurisdiction of such complaint and of the offenses described in sections forty-nine, fifty-one and fifty-three. All warrants issued by said courts or trial justices upon such complaint, or for an offense committed under said sections, and all legal processes issued by said courts or trial justices for the purpose of carrying into effect the provisions of this section and of said sections numbered forty-nine, fifty-one and fifty-three, may be directed to and executed by the truant officer, or either of the truant officers, of the town where the offense is committed. All fines, collected under said two last named sections, shall be paid to the treasurer of the city or town in which the offense is committed, for the support of the public schools therein.

FREE HIGH SCHOOLS.

SEC. 55. Any town which establishes and maintains a free high school as provided by this section and the ten following sections, for at least ten weeks in any one year, shall on complying with the conditions hereinafter set forth, receive from the state one-half the amount actually expended for instruction in said school, not exceeding two hundred and fifty dollars; *provided*, that no town shall receive such state aid unless its appropriation and expenditure for such school has been exclusive of the amounts required by law for common school purposes. Such aid shall be paid from the state treasury on and after the first day of each January, upon certification by the governor and council as provided by section sixty-five. But whenever a town or precinct desires to draw its state aid semi-annually, it shall be paid on and after the first days of July and January; *provided*, that the superintendent of such town makes, semi-annually, before said days, the report required in section sixty-five.

SEC. 56. Any town may establish and maintain not exceeding two free high schools; and in such case shall receive the same state aid as if the expenditures of both schools had been made for one. Two or more adjoining towns 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. Towns 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; and any town 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 town 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, as provided by this section, then each person so misapplying said money forfeits double the sum so misapplied, to be recovered in an action of debt, in the name and to the use of the town, by any inhabitant thereof; and no town 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 schools by such town.

SEC. 57. The inhabitants of any section of a town which fails or neglects to provide for the maintenance of free high schools, may organize a free high school precinct in the manner hereinafter provided, and may establish and maintain a free high school therein, and receive state aid the same as the town might have done; *provided*, that no more than two such free high schools shall be established in any town, and that the amount of aid extended to the precincts in any town shall not exceed the sum that the town might have received. On petition of any five voters resident in said section, reciting the limits of the precinct proposed, the municipal officers of the town shall call a meeting of the voters within said limits by causing notices, specifying the time, place and purposes of said meeting, to be posted in two or more conspicuous places within said limits seven days before the time appointed. Said meeting shall choose a moderator and a clerk who shall be sworn, and shall, by a majority vote of those present and voting, determine whether said precinct shall be organized. It shall choose an agent who shall be duly sworn. Such precinct may continue its organization from year to year by the holding of meetings called in the manner aforesaid, so long as the town shall neglect or refuse to support free high

schools. Sections of adjoining towns may organize as herein provided, and unite in the support of such schools. But no more than two such precincts shall exist at the same time in any town.

SEC. 58. Any town, precinct or union of towns or precincts, voting to establish a free high school as herein provided, may locate the same permanently, or vote that the terms thereof be held alternately in such places within the town or towns, precinct or precincts, as may be selected, and as may accept said school. The town or precinct, in which said school is thus held, shall supply appropriate equipments, and furnish and warm a suitable building for the same; *provided* that any schoolhouse within such town or precinct may be used for such free high school, when not required for ordinary school purposes.

SEC. 59. 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, manufacturers and agriculture; but the ancient or modern languages and music shall not be taught therein except by direction of the superintending school committees having supervision thereof. Such schools, when established by any town or union of towns, shall be free to all the youth in such town or towns who have such scholastic attainments as will fit them to attend such schools with profit, and the superintendent, or superintending school committee, having supervision thereof shall make such examination of candidates for admission to said schools as they consider necessary.

When such school is established by any precinct or union of precincts, it shall be free in the same manner to the scholars within such precincts, and open also to scholars passing the required examination from without such precincts, but within the towns in which said precincts are situated, on payment to the agent of the precinct in which such school is located, of such tuition, to be fixed by the superintending school committee or committees having supervision of the same, as is equivalent to the cost a scholar of maintaining such school, after deducting the aid extended by the state. Whenever in the judgment of the superintending school committees 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, to the treasurer of the town in which the school is kept, when the school is maintained by a town or union of towns, or to the agent of the precinct in which the school is kept, when such school is maintained by a precinct or union of precincts.

SEC. 60. Free high schools, established and maintained under the foregoing provisions, are subject to the laws relating to common schools, so far as applicable, except as otherwise provided. When established and maintained by a town, they shall be under the supervision and entire management of the superintending school committee of such town. 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. When established and maintained by any precinct, such school shall be under the supervision of the superintending committee of such town, or of the state superintendent, when the precinct so elects, and under the financial management of the agent of the precinct, who, in connection with said committee or superintendent, shall employ teachers for the same. When established and maintained by precincts composed of sections of adjoining towns, such school shall be under the supervision of the superintending school committees of such towns, who constitute a joint board for that purpose, and under the financial management of the agents of both precincts, who, in connection with said committees, shall employ the teachers.

SEC. 61. Towns and precincts may raise money for establishing and maintaining free high schools, and erecting buildings and providing equipments for the same, in the same manner as for supporting common schools and erecting schoolhouses.

SEC. 62. Any town which does not maintain a free high school of standard grade may from year to year authorize its superintending school committee to contract with and pay the trustees of any academy in said town, or with the school board of any adjoining town for the tuition of scholars within such town in the studies contemplated by the seven preceding sections, under a standard of scholarship to be approved by such committee; and when such contract has been made with the trus-

tees of any academy the school committee with an equal number from the board of trustees of such academy shall form a joint committee for the selection of all teachers and the arranging of the course of study in such academy, when such academy has less than ten thousand dollars endowment and the expenditure of any town for tuition in such academy, or in such free high school, shall be subject to the same conditions and shall entitle such town to the same state aid as if it had made such expenditure for a free high school.

SEC. 63. Any youth who resides with a parent or guardian in any town which does not support and maintain a free high school giving at least one four years' course properly equipped and teaching such subjects as are taught in secondary schools of standard grade in this state may, when he shall be prepared to pursue such four years' course, attend any school in the state which does have such a four years' course and to which he may gain entrance by permission of those having charge thereof, *provided* said youth shall attend a school or schools of standard grade which are approved by the state superintendent of public schools. In such case the tuition of such youth, not to exceed thirty dollars annually for any one youth, shall be paid by the town in which he resides as aforesaid; and towns shall raise annually, as other school moneys are raised, a sum sufficient to pay such tuition charges.

SEC. 64. When any town shall have been required to pay and has paid tuition as aforesaid the superintending school committee of such town shall make a return under oath to the state superintendent of public schools stating the name of each youth for whom tuition has been paid, the amount paid for each, and the name and location of the school which each has attended and thereupon shall be paid, annually in the month of December, from the state treasury out of the appropriation for the support of free high schools, to each town paying tuition and making return as aforesaid, a sum equal to one-half of the amount thus paid by such town not exceeding two hundred fifty dollars.

SEC. 65. Superintendents shall, annually, before the first day of July, make returns under oath to the state superintendent, on blanks prepared and sent out by him, of the amount appropriated and the amount expended by each town or precinct for instruction in such free high schools during the current year; also of

the amount appropriated and the amount expended for common school purposes by each town 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; the number of pupils in each branch of study pursued, and the amount received for tuition. If the state superintendent is satisfied that the provisions of section fifty-five to sixty-two have been complied with, he shall certify to the governor and council the sum which each town or precinct is entitled to receive from the state. Any town or precinct, dissatisfied with his decision, may appeal to the governor and council. The governor and council shall issue a certificate to the treasurer of the town or agent of the precinct, for such amount as they adjudge such town or precinct entitled to receive from the state treasury. Any person connected with the management of such free high schools, either as teacher, agent or superintendent, who in any way aids or abets in defrauding the state into the payment in support of said schools of more than is contemplated by this chapter, shall forfeit not less than five hundred dollars, or be imprisoned in the county jail not less than one year.

SEC. 66. When a free high school precinct votes to raise money for establishing and maintaining a free high school, its clerk shall forthwith, or within the time prescribed by the precinct, certify the amount thereof to the assessors of the town, and the time when it must be raised; and within sixty days after receiving such certificate they shall assess it as they do town taxes, on the polls and estates of the residents and owners in the precinct at the time of raising said money, whether wholly in their town or not, and on the non-resident real estate in the precinct. They shall then make their warrant in due form of law, directed to any collector of their town if any, if not to a constable, requiring him to levy and collect such tax and pay it to the town treasurer within the time limited in the warrant; and they shall give a certificate of the assessment to such treasurer, and may abate such taxes as in the case of town taxes.

SEC. 67. The assessors may include in their assessment such sum over and above the sum committed to them to assess, not exceeding five per cent, thereof, as a fractional division renders necessary, and certify that fact to the town treasurer.

SEC. 68. The town treasurer shall pay the expense of assessing and collecting any free high school precinct tax out of the money of the precinct, upon the order of the selectmen.

SEC. 69. Section thirty-one of chapter ten, and all other sections relating to the same subject apply to taxes assessed by or for free high school precincts, so far as applicable; but the precinct and not the town is liable.

SEC. 70. The collector or constable, and the town treasurer, or treasurer and collector, if one person is both, each have the same powers and are subject to the same duties and obligations in relation to free high school precinct taxes, as to town taxes; and they and the assessors shall be allowed by the precinct for their services, a compensation proportionate to what they receive from the town for similar services.

SEC. 71. The money so raised and paid shall be at the disposal of the precinct agent, to be by him expended as provided in section sixty.

SEC. 72. The trustees of any academy or other corporation formed for educational purposes may by a majority vote of such of said trustees as reside in the state, surrender the whole, or any part of the property belonging thereto, to the municipal officers of any town, or the trustees of any school fund in any town in which said academy or corporation is situated, for turning the same into a free high school as hereinafter provided, and said municipal officers or trustees, for the time being, shall be a board of trustees to take and hold said property for maintaining a free high school; and upon receiving said property, they shall use proper diligence to make the same produce income for the support of said free high school.

SEC. 73. When such vote is so passed, the treasurer of said trustees shall convey, assign and deliver to the municipal officers of said town, or the trustees of such fund, all property belonging to said academy or corporation for the purposes indicated by the preceding section.

SEC. 74. The municipality accepting the property in trust, as named in section seventy-two, shall apply the income thereof towards the support of a free high school, to be kept within said municipality, at least twenty-two weeks in each year, and provide suitable accommodations for the same, and the superintending school committee in said municipality shall determine the qualifi-

cations 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.

SEC. 75. All scholars residing within the municipality aforesaid, having such certificate, may attend said school without tuition fee, and all scholars not residents of said municipality, may attend said school upon such terms and conditions as said superintending school committee may impose.

SEC. 76. Whenever it shall be made to appear to the governor and council, from returns made as herein provided, that any incorporated academy in the state is prepared to give instruction equivalent to that required by law to be given in free high schools, that the pupils attending the said academy, are qualified to receive such instruction, and that the teachers in the said academy have the qualifications fitting them to give instruction in secondary school studies, such academy shall be entitled to receive annually from the state a sum not exceeding five hundred dollars in case it maintains an English secondary school course of study as prescribed by the state superintendent of public schools, and has an average attendance from towns and cities other than the municipality or jurisdiction in which said academy is located of at least ten students, or a sum not exceeding seven hundred and fifty dollars in case it maintains in addition to an English course, a college preparatory course, and has an average attendance from towns and cities other than the municipality or jurisdiction in which said academy is located of at least twenty students, or a sum not exceeding one thousand dollars in case it maintains an English course, a college preparatory course and a training course for teachers, and has an average attendance from towns and cities other than the municipality or jurisdiction in which said academy is located of at least forty students; *provided*, the courses of study herein named shall be subject to the approval of the state superintendent of public schools, and *provided*, that the amount paid by the state to any academy under this section shall be expended by the said academy for instruction during the year for which payment is made, and shall not exceed the total income of the said academy from all other sources; and *provided further*, that in addition to the amount received from the state, a sum equal thereto shall be expended for instruction and maintenance of the academy dur-

ing said year; and *provided further*, that every academy receiving money from the state under this section shall provide instruction as contemplated by this section for not less than thirty weeks in each year; and *provided further*, that no academy shall be credited with maintaining a course of study under this section unless the said academy shall have an average of not less than twelve student in said course.

SEC. 77. The governor and council may draw warrants on the treasurer of state for the payment annually to the legal representatives of such academies, as shall be entitled to receive money from the state under the preceding section, at the times and in the manner provided by law for the payment of money in aid of free high schools, the amounts to which they shall be severally entitled thereunder; *provided*, that no payment shall be made to any academy until the state superintendent of public schools shall have certified to the governor and council all the facts which by law are made necessary to entitle an academy to receive money from the state under the preceding section.

SEC. 78. Any town providing free tuition for its high school scholars in any academy, shall receive state aid to the amount of one-half the sum expended for such instruction, *provided*, no town shall receive more than two hundred and fifty dollars in any given year; and *provided further*, that no town shall receive state aid under this section if a free high school of standard grade is maintained in said town.

SEC. 79. No academy shall receive state aid under section seventy-six unless incorporated prior to February twenty-six, nineteen hundred and one.

SEC. 80. No academy shall receive state aid under section seventy-six unless the average attendance in said academy for the year preceding shall exceed thirty students, and no academy shall receive to exceed five hundred dollars unless the average attendance in said academy for the year preceding shall exceed sixty students.

SEC. 81. No academy shall receive state aid under section seventy-six if said academy has an annual income from invested funds exceeding sixteen hundred dollars; and no academy shall receive state aid to exceed five hundred dollars in any given year provided the said academy has an annual income from invested funds exceeding one thousand dollars.

SEC. 82. Every educational institution receiving state aid, and the officers and teachers of every academy receiving money from the state under the six preceding sections, shall annually, on or before the first day of January, report to the state superintendent of public schools the total and average attendance, an itemized account of all the moneys received and expended during the preceding year, the number of instructors, number and length of terms, with attendance for each, and answer such other questions as he shall require, and shall make such further report to him as he may from time to time require. Such reports shall be published in the annual report of the state superintendent of public schools. Every such educational institution failing to comply with the above requirements shall forfeit whatever aid or assistance it would otherwise receive from the state. Whenever in sections seventy-six to eighty-two, inclusive, the word "academy" occurs, it shall be construed to include "seminary or institute."

DUTIES AND QUALIFICATIONS OF INSTRUCTORS.

SEC. 83. Presidents of colleges are removable at the pleasure of the trustees and overseers, whose concurrence is necessary for their election.

SEC. 84. No officer of a college shall receive as perquisites any fees for a diploma or medical degree conferred by such college, but such fees shall be paid into the college treasury.

SEC. 85. Every teacher of a public school shall keep a register thereof, containing the names of all the 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, the teacher's wages, a list of text-books used, and all other facts required by the blank form furnished him; such register shall at all times be open to the inspection of the school committee, and be returned to them at the close of the school. No teacher shall be paid for his services, until such register, properly filled, completed, and signed, is deposited with the school committee, or with a person designated by them to receive it.

SEC. 86. The presidents, professors and tutors of colleges, the preceptors and teachers of academies, and all other instructors of youth, in public or private institutions, shall use their

best endeavors to impress on the minds of the children and youth committed to their care and instruction, the principles of morality and justice, and a sacred regard for truth; love of country, humanity and a universal benevolence; sobriety, industry and frugality; chastity, moderation and temperance; and all other virtues which ornament human society; and to lead those under their care, as their ages and capacities admit, into a particular understanding of the tendency of such virtues to preserve and perfect a republican constitution, secure the blessings of liberty, and to promote their future happiness; and the tendency of the opposite vices, to slavery, degradation and ruin; all teachers in the public schools of the state shall devote not less than ten minutes of each week of the school term, to teaching to the children under their charge, the principles of kindness to birds and animals.

SEC. 87. Whoever teaches a public school without first obtaining a certificate from the superintendent of schools of the town, forfeits not exceeding the sum contracted for his daily wages, for each day he so teaches, and is barred from receiving pay therefor; and no certificate shall be valid for more than one year, without the approval of the superintendent of schools annually indorsed thereon.

SEC. 88. The following days shall be observed as school holidays, namely: New Year's day, January one; Washington's birthday, February twenty-two; Memorial day, May thirty; Independence day, July four; Labor day, first Monday in September; Christmas day, December twenty-five; Thanksgiving, Fast and Arbor days, as appointed by the governor and council. *Provided, however,* that Arbor day shall not be recognized as a school holiday, unless observed by teacher and pupils for the purpose for which it is designated by the governor and council. All teachers of public schools in the state may close their schools on the days above mentioned and draw pay the same as if their schools had been in session upon those days. When any one of the above named holidays falls upon a Sunday, the Monday following shall be observed as a school holiday, with all the privileges applying to any of the days above named.

TEACHERS' ASSOCIATIONS.

SEC. 89. Whenever not less than thirty of the teachers and school officers of any county shall have formed an association under rules of government approved by the state superintendent of public schools, for the purpose of mutual improvement in the science and art of teaching, and of creating popular interest in, and diffusing a knowledge of the best methods of improving our public school system, by the holding of conventions at least once every year under the supervision of the state superintendent, the state shall defray the necessary expenses attending the holding of such conventions, for which purpose the sum of one thousand dollars is hereby annually appropriated to be deducted and set aside therefor by the treasurer of state from the annual school fund of the state; *provided, however*, that no more than two such associations shall be formed in any county, and that the expenses as aforesaid of no more than two conventions of any such association in any year shall be defrayed by the state.

SEC. 90. Teachers of public schools may suspend their schools for not more than two days in any year during the sessions of such conventions within their counties and also for not more than two days in any year during the sessions of any state teachers' convention approved by the state superintendent of public schools, unless otherwise directed in writing by the school officers, and attend said conventions without forfeiture of pay for the time of such attendance, *provided* they shall present to the officers employing them, certificates signed by the secretaries of such conventions and countersigned by the state superintendent of public schools, showing such attendance.

SEC. 91. The governor and council may draw warrants on the treasurer of state for the payment of bills for the expenses provided for in section eighty-nine, when such bills shall have been approved by the state superintendent of public schools, *provided, however*, that no bills shall be so paid except those for advertising such conventions, and for actual traveling expenses of speakers and lecturers not residing in the counties in which such conventions are held.

SCHOOLS IN PLANTATIONS AND UNORGANIZED TOWNSHIPS.

SEC. 92. Plantations have the same powers and liabilities as towns for electing superintending school committees, superintendents of schools, treasurers and collectors, and for raising, assessing and collecting school money, to be apportioned and expended as in towns. The assessors of plantations may take a census of the inhabitants thereof, at the expense of the plantation, and when so taken, the money raised therein for schools shall be upon the basis of such census and not upon the census of the state.

SEC. 93. All moneys due plantations from the state treasury for school purposes, shall be paid to the treasurers of such plantations, under the same conditions as in case of towns, and the same shall be expended by such plantations, under the same restrictions and limitations as are required of towns.

SEC. 94. Whenever in any unorganized township in the state there shall be two or more children between the ages of five and twenty-one years, the state superintendent of public schools shall cause an enumeration of said children to be made, and returned to him, and shall provide for the schooling of said children, either by establishing a school in the township, or by sending the children to schools in adjoining towns or plantations, or both, as shall by him be deemed expedient. In case any of said children are, by the state superintendent, sent to schools in adjoining towns or plantations, said children so sent shall have the same rights in such school as children resident in said town or plantation. *Provided, however,* that in case the interest on the reserve fund in any unorganized township together with the amount arising from the per capita tax called for in this section, is not sufficient to provide schooling for the children of said township for at least twenty weeks in a year the remainder of the expense shall be paid from the fund appropriated by section ninety-seven. *Provided, further,* that no money shall be expended under this section for the benefit of any township until the inhabitants of said township shall pay to the treasurer of state a sum equal to forty cents for each inhabitant thereof.

SEC. 95. The state superintendent of public schools shall certify to the governor and council the number and residences of the children enumerated and schooled, as provided in the pre-

ceding section, together with the cost of schooling said children, and the governor and council shall direct the treasurer of state to pay the state superintendent of public schools so much of the interest on the reserved land fund of the township in which said children reside as, added to the amount received from the inhabitants of the township from the per capita tax, shall pay the expense of said school. The state superintendent of public schools shall pay to the treasurer of any town or plantation in which he may school any of said children, such amount for each scholar as shall be his proportional part of the cost of the school to which he is sent.

SEC. 96. The state superintendent of public schools may appoint agents for the several townships in which schools shall be established under section ninety-four, who shall, under the direction of the state superintendent, enumerate the pupils, assess and collect the per capita tax, employ the teacher and attend to all necessary details in connection with said schools; for which work they shall be paid a sum not exceeding two dollars a day, when actually employed in this duty, and actual necessary traveling expenses. Said agents in the collection of the per capita tax aforesaid, shall have the same powers and may use the same methods as collectors of taxes in towns are authorized to exercise and use for the collecting of personal and poll taxes committed to them; said agents may act as truant officers in their several townships, and may in their discretion compel the regular daily attendance at school of every child in their townships between the seventh and fifteenth anniversaries of his birth by arresting and taking to school any such child when absent therefrom; and any parent or guardian of any such child or children, wilfully refusing to allow said children under his control to attend school, or opposing said agent in arresting and taking said children to school, may be prosecuted by said agent in the name of the state before the nearest trial justice, and if found guilty, shall forfeit a sum not exceeding twenty dollars for the use of the schools in the township wherein said children are resident, or shall be imprisoned for not exceeding thirty days. The state superintendent may supply school books for the schools established under said section under such conditions as to the purchase and care thereof as he may deem proper.

SEC. 97. For the purpose of carrying out the provisions of the three preceding sections, there is hereby appropriated the sum of seven thousand dollars annually which sum shall be deducted and set aside therefor by the treasurer of state from the annual school funds of the state.

STATE SUPERINTENDENT OF PUBLIC SCHOOLS.

SEC. 98. The governor with the advice and consent of the council shall appoint a state superintendent of public schools, who shall continue in office three years, or during the pleasure of the executive; vacancies shall be filled by a new appointment for a like term.

SEC. 99. An office shall be provided for him at the seat of government, where he shall preserve all school reports of this state and of other states which he may receive, the returns from the various towns, and institutions of learning and such books, apparatus, maps, charts, works on education, plans for school buildings, models, and other articles of interest to school officers and teachers as may be procured without expense to the state.

SEC. 100. In addition to the duties elsewhere specifically imposed on him his duties are as follows:

I. To exercise a general supervision of all the public schools, and to advise and direct the town committees and superintendents in the discharge of their duties, by circular letters and personal conference, devoting all his time to the duties of his office.

II. To obtain information as to the school systems of other states and countries, and the condition and progress of public school education throughout the world; to disseminate this information, with such practical hints upon the conduct of schools, improved systems of instruction, and the true theory of education as observation and investigation convince him to be important, by public addresses, circulars and articles prepared for the press, and by outlines, suggestions and directions concerning the management, discipline and methods employed in teaching, prepared for and distributed among the teachers of the schools and school officers of the state; and to do all in his power to awaken and sustain an interest in education among the people, and to stimulate teachers to well directed efforts in their work.

III. To take such measures as he deems necessary to secure the holding of a state educational convention once each year, with a view of bringing together the teachers, school committees, school superintendents, and friends of education, for consultation with reference to the interest of public schools and the most approved method of instruction.

IV. To encourage the formation of county teachers' associations, approve rules of government therefor, and to supervise the conduct of conventions held by such associations. He shall also conduct summer training schools for teachers, whenever provision is made by the legislature for holding such schools.

V. To prepare and cause to be printed and distributed such portions of the proceedings of state institutes or teachers' conventions as he deems important in the furtherance of education.

VI. Biennially, as soon as practicable after the adjournment of the legislature, to compile and distribute, in pamphlet form, to the municipal and school officers of the several towns, three thousand copies of the amended school laws of the state; and to prepare and issue thus biennially, such circulars of information and advice to school officers, relating to new school enactments, as he shall deem necessary for the intelligent and effectual enforcement of such enactments.

VII. To prescribe the studies to be taught in the common schools, reserving to town committees the right to prescribe additional studies.

VIII. To furnish to the school officers of each town, 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.

IX. To assume the control and management of all free public schools established and maintained by gifts or bequests, when said gifts or bequests are conditioned upon said state superintendent assuming such control and management; and he shall carry out the provisions upon which such gifts or bequests are conditioned, when said conditions are approved by the governor and council.

X. To perform all duties imposed upon him by any charter or charters granted by the legislature to educational institutions in the state.

XI. Annually, to report to the governor and council the result of his inquiries and investigations, and the facts obtained from the school returns, with such suggestions and recommendations as in his judgment will best promote the improvement of public schools.

SEC. 101. The state superintendent shall prepare and furnish to the town officers such blanks as he deems proper to secure the fiscal returns required in section twenty-eight. He shall return to the treasurer of state on the first day of July annually, a list of such towns as have made such fiscal returns; and no school moneys shall be paid by the treasurer of state to any town, so long as it neglects to make such returns.

SEC. 102. He shall prepare and print blank forms for all other returns required by law, or deemed by him necessary, and shall, on the first day of each March, forward to the superintendents of schools of the several towns, blanks for the annual school return, and registers for the school year commencing on the first day of April following.

SEC. 103. He shall, on the first day of each June, notify the school committee of any town whose returns were not received at his office in May, and shall, annually, ascertain on the first day of July the number of children between five and twenty-one years of age, in the towns from which returns are received, and furnish a list thereof to the treasurer of state.

SEC. 104. He shall cause to be held, at such convenient times and places as he may from time to time designate, public examinations of candidates for the position of teacher in the public schools of the state. Such examinations shall test the professional as well as the scholastic abilities of the candidates, and shall be conducted by such persons and in such manner as he may from time to time designate. Due notice of the time, place and other conditions of the examinations shall be given in such public manner as he may determine.

SEC. 105. A certificate of qualification shall be given to all candidates who pass satisfactory examinations in such branches as are required by law to be taught, and who in other respects fulfil the proper requirements. Such certificate shall be either probationary or permanent and shall indicate the grade of schools which the person named is qualified to teach.

SEC. 106. A list of approved candidates shall be kept in the office of the state superintendent, and copies of the same with such information as may be desired shall be sent to school committees and superintendents upon their request.

SEC. 107. The certificates issued under the provisions of section one hundred and five shall be accepted by school committees and superintendents in lieu of the personal examination and certification required by section thirty-six.

SEC. 108. A sum not exceeding five hundred dollars may be annually expended for the necessary and contingent expenses of carrying out the provisions of the four preceding sections.

NORMAL SCHOOLS, AND MADAWASKA TRAINING SCHOOL.

SEC. 109. The northern normal school at Farmington, the eastern normal school at Castine, the western normal school at Gorham and Aroostook county normal school at Presque Isle, shall be conducted for the purposes and upon the principles herein set forth.

I. They shall be thoroughly devoted to the training of teachers for their professional labors.

II. The course of study shall include the common English branches in thorough reviews, and such of the higher branches as are especially adapted to prepare teachers to conduct the mental, moral and physical education of their pupils.

III. The art of school management, including the best methods of government and instruction, shall have a prominent place in the daily exercises of said schools.

IV. Said schools, while teaching the fundamental truths of Christianity, and the great principles of morality, recognized by law, shall be free from all denominational teachings, and open to persons of different religious connections on terms of equality.

V. The principals of the normal schools and of all other schools in which normal departments are 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 text-books used, and all other information required in the blanks furnished by the state superintendent. Such register and blanks shall be returned to said

superintendent by the first day of each December, and the information so furnished shall appear in his annual report, for the use of the legislature.

SEC. 110. The course of study shall occupy two years with suitable vacations; and with the terms of admission shall be arranged by said superintendent, subject to the approval of the governor and council. The trustees may arrange for a course of study, occupying three or four years, for such students as elect to pursue the same.

SEC. 111. Any student who completes the course of study prescribed, and otherwise complies with the regulations of the school, shall receive a diploma certifying the same.

SEC. 112. Applicants for admission shall be sixteen years of age if females, and seventeen if males, and shall signify their intention to become teachers and come under obligation to teach in this state for at least one year, and if they receive a diploma, two years after they have graduated; on these conditions they shall be received without charge for tuition; but each pupil must pay one dollar and fifty cents for incidental expenses of the school.

SEC. 113. Said schools are under the direction of a board of eight trustees, six of whom shall be appointed by the governor with the advice and consent of the council, for not more than three years under one appointment; and the governor and state superintendent of public schools are, by virtue of their office, members of the board. Said board has charge of the general interests of said schools; shall see that the affairs thereof are conducted as required by law and by such by-laws as the board adopt; employ teachers and lecturers for the same; and, annually, on the first day of December lay before the governor and council, for the information of the legislature, a financial statement, furnishing an accurate detailed account of the receipts and expenditures for the school year preceding.

SEC. 114. The trustees of state normal schools shall maintain for not less than eight months annually, the Madawaska Training School, at Fort Kent, for the purpose of training persons to teach in the common schools of Madawaska territory, so called, which school shall be under their control and direction, in the same manner and to the same extent as the other state normal schools.

SEC. 115. For the support of the four normal schools and the Madawaska Training School, the sum of forty-three thousand dollars is appropriated for the year nineteen hundred and five, and the sum of forty-three thousand dollars is annually appropriated thereafter, to be expended under the direction of said trustees, which sum the treasurer of state shall deduct for said purpose from any school money raised for the support of common schools. The governor and council may from time to time, as they think proper, draw warrants therefor on said treasurer in favor of said trustees.

INSTRUCTION FOR THE BLIND.

SEC. 116. Upon the request of the parents or guardians, the governor may, with the approval of the council, send such blind children as he may deem fit subjects for education, for a term not exceeding ten years, and thereafter in the discretion of the governor and council, in the case of any pupil, to the Perkins Institute for the blind at South Boston, Massachusetts. In the exercise of the discretionary power conferred by this section, no distinction shall be made on account of the wealth or poverty of the parents or guardians of such children. No such pupil shall be withdrawn from such institution except with the consent of the proper authorities thereof or of the governor; and the sums necessary for the support and instruction of such pupils in such institution, including all traveling expenses of such pupils attending such institution shall be paid by the state; *provided, however,* that nothing herein contained shall be held to prevent the voluntary payment of the whole or any part of such sums by the parents or guardians of such pupils.

PENAL PROVISIONS AFFECTING SCHOOLS.

SEC. 117. Forfeitures under this chapter, not otherwise provided for, may be recovered by indictment, and shall be paid into the treasury of the town where they occurred, for the support of schools therein, in addition to the amount required by law to be raised; but the costs of prosecution shall be paid into the county treasury; any town neglecting for one year, so to expend such money, forfeits an equal sum to any person suing therefor in an action of debt.

SEC. 118. Whoever, whether a scholar or not, enters any schoolhouse or other place of instruction, during or out of school hours, while the teacher or any pupil is present, and wilfully interrupts or disturbs the teacher or pupils by loud speaking, rude or indecent behavior, signs or gestures, or wilfully interrupts a school by prowling about the building, making noises, throwing missiles at the schoolhouse, or in any way disturbing the school, forfeits not less than two, nor more than twenty dollars, to be recovered as aforesaid, or on complaint.

SEC. 119. 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 a town, such town by a truant officer thereof, may recover of his parent or guardian, in an action of debt, double the damage occasioned thereby.

SEC. 120. Whoever defaces the walls, benches, seats, blackboards or other parts of any schoolhouse or outbuildings belonging thereto, by obscene pictures, language, marks or descriptions, shall be fined not exceeding ten dollars, on complaint made within one year.

SEC. 121. If an innholder, confectioner, or keeper of a shop, boarding house, or livery stable, gives credit for food, drink or horse or carriage hire, to any pupil of a college or literary institution in violation of its rules he forfeits a sum equal to the amount so credited, whether it has been paid or not, to be recovered in an action of debt by the treasurer of such institution; half to its use, and half to the town where it is located; and no person shall be licensed by the municipal officers for any of said employments, if it appears that within the preceding year he had given credit contrary to the provisions hereof.

STATE SCHOOL FUNDS.

SEC. 122. 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; and such sum shall constitute a permanent school fund, which may be put at interest as the legislature directs. A sum equal to six per cent.

of the amount of such fund, and one-half the sum received by the state from the tax on the franchises of saving banks, and one-half the sum assessed upon the deposits of trust and banking companies, shall be annually appropriated to the support of common schools, and distributed among the several towns according to the number of children therein between five and twenty-one years of age.

SEC. 123. The treasurer shall, immediately after the first day of July, apportion to the towns all the state school funds for the year, according to the list of children furnished by the state superintendent of public schools, as provided in section one hundred and three. The number of scholars belonging to a town from which either the school committee or the municipal authorities have failed to make the returns required by law, shall be reckoned by taking the number used as the basis of the last apportionment, and deducting all scholars set off to other towns, or incorporated into a new town within a year, and one-tenth of the remainder, and the residue shall be the basis of the new apportionment. Immediately after making the apportionment, the treasurer shall notify each town of its proportion; which shall not be paid to any town until its returns, both common school and fiscal, are made to the state superintendent of public schools, nor so long as any state tax assessed upon such town remains unpaid.

SEC. 124. A tax of one mill on a dollar shall annually be assessed upon all the property in the state according to the valuation thereof, and shall be known as the mill tax for the support of common schools.

SEC. 125. This tax shall be assessed and collected in the same manner as other state taxes, and be paid into the state treasury and designated as the school mill fund.

SEC. 126. This fund shall be distributed by the treasurer of state on the first day of January, annually, to the several cities, towns and plantations according to the number of scholars therein, as the same shall appear from the official return made to the state superintendent of public schools for the preceding year.

SEC. 127. All of the school mill fund not distributed or expended during the financial year, shall at its close be added to the permanent school fund.

FUNDS FROM SALE OF TIMBER LANDS TO BE
APPLIED TO SUPPORT OF SCHOOLS. CHAP. 7,
SEC. 18, R. S. 1903.

The money arising from the sale of timber and grass, or from trespassers on reserved lands, paid into the treasury of the county in which the township is situated, or into the state treasury, constitutes funds for school purposes, of which the income only shall be expended and applied as is by law provided.

INSTRUCTION IN FORESTRY IN PUBLIC SCHOOLS,
ETC. CHAP. 7, SEC. 65, R. S. 1903.

The forest commissioner shall take such measures as the state superintendent of public schools and the president of the University of Maine may approve, for awakening an interest in behalf of forestry in the public schools, academies and colleges of the state and of imparting some degree of elementary instruction upon this subject therein.

ONE-HALF OF FINE FOR UNLAWFUL EMPLOY-
MENT OF CHILDREN TO BE ADDED TO SCHOOL
FUND. CHAP. 40, SEC. 54, R. S. 1903.

Any parent or guardian who procures a child to be employed contrary to the preceding section, and any corporation, owner, superintendent or agent of the owner of such establishment violating the provisions of said section, shall forfeit the sum of one hundred dollars, one-half to the use of the county and one-half to the use of the city or town where the offense is committed. Money so recovered to the use of the city or town shall be added to its school money. School committees and superintendents of public schools, shall inquire into violations of said section and report the same to the county attorney, who shall prosecute therefor.

MAINE SCHOOL, FOR THE DEAF. CHAP. 446,
P. L. 1897.

SEC. 1. The Maine School for the Deaf is hereby established—to be devoted to the education and instruction of deaf and dumb children.

SEC. 2. Said school shall be located at Portland, in the county of Cumberland, and the governor and council are hereby authorized, on behalf of the state, to accept a conveyance from the city of Portland of the school lot, building and fixtures now used as a school for the deaf in said Portland, upon the condition that the state shall hereafter assume the entire charge, responsibility and expense of maintaining said school.

SEC. 3. The government of said school is hereby vested in a board of five trustees, to be appointed by the governor, with the advice and consent of the council, to hold office for a term of five years, except, however, that the trustees first appointed shall hold office, one for one year, one for two years, one for three years, one for four years, and one for five years.

SEC. 4. The trustees shall have charge of the general interests of the school and see that its affairs are conducted in accordance with law and such by-laws as they may adopt; they may adopt by-laws which shall be valid when sanctioned by the governor and council; they may employ a principal and such teachers and other employees as they may deem advisable and fix the compensation of the same, subject to the approval of the governor and council; they may from time to time prescribe the system of education and course of study to be pursued in the school and shall be allowed for their services their actual expenses and two dollars a day when actually employed.

SEC. 5. With the consent of its parent or guardian, the trustees may admit to said school, for a term not exceeding twelve years, any deaf or dumb child residing in this state and not less than five years of age, who shall not be withdrawn or discharged from said school, except with the consent of the trustees or the governor and council, and the sums necessary for the support and instruction of such children while attending said school, shall be paid by the state.

SEC. 6. Deaf and dumb children residing in other states may, at the discretion of the trustees, be admitted to said school upon the payment by their parents or guardian of a reasonable compensation to be fixed by the trustees.

Approved March 15, 1897.

* FREE PUBLIC LIBRARIES.

I. The state librarian is hereby authorized and directed to donate from the Maine state library to any town having no free public library owned or controlled by the town, books purchased for that purpose, not exceeding fifty per cent in value the books and documents purchased by said town for the purpose of founding a free public library therein; said donation in no case to exceed one hundred dollars.

II. Any town is hereby authorized to raise and appropriate annually a sum of money, not exceeding the legal limit heretofore established, (*two dollars for each ratable poll*,) for the purpose of securing to its inhabitants the free use of a library located in an adjoining town, and shall be entitled to receive from the state treasurer a sum equal to ten per cent of the amount so raised, appropriated and expended yearly.

III. Two or more adjacent towns may unite in establishing and maintaining a free public library with branches thereof in each town for the free use of all the inhabitants of said towns, and may each raise and appropriate for that purpose annually a sum not exceeding the legal limit heretofore established for maintaining free libraries, and such towns shall be subject to all the duties and entitled to all the benefits established by the laws now in force concerning free libraries.

IV. Any town or city in which there is a library owned or controlled by a corporation, or association, may appropriate a sum not exceeding one dollar for each of its ratable polls in the year next preceding, to procure from such library the free use of its books for all the inhabitants of the town or city, under such restrictions and regulations as shall insure the safety and good usage of the books; and such library shall then be considered a

* Chapter 242, Public Laws of 1893, as amended by chapter 176 of Public Laws of 1901.

free public library within the meaning of this act, and said town or city shall be entitled to the benefits of the preceding section provided that any books and documents purchased with said stipend, and all books and documents donated by the state, shall be and remain the property of said municipality.

* TRAVELING LIBRARIES.

I. On the application of the officers of any free library within the state, or of any association composed of five or more persons residing in a town in the state destitute of a free library, and upon the payment in advance by said free library or association to the state librarian of five cents per volume to cover express and other charges, the state librarian may, from books selected and kept for the purpose, loan to such library or association, for a period not longer in duration than six months, not exceeding fifty volumes at any one time. Books so loaned are, under such rules as the library commissioners of the state may prescribe, to be in turn loaned free of charge to the patrons of such free library or to the citizens of the town where such association is located.

II. The state librarian shall be, ex-officio, a member of the library commission and secretary thereof. It shall be his duty to purchase the books selected by the library commissioners for traveling libraries, cause the same to be properly catalogued and placed in proper cases for transportation and use, keep accurate accounts of all matters relating to the expenditures of money, the transportation of libraries and such other statistics as the commissioners may require. Said secretary shall receive, as and in full compensation for his services and to cover the cost of clerical labor and the necessary expenses of his office, such sum, not exceeding three hundred dollars per annum, as the governor and council may determine.

* Chapter 22, Public Laws of 1899, as amended by chapter 280, Public Laws of 1901.

* STATE FLAG.

The state flag is hereby declared to be buff, charged with the emblem of the state, a pine tree proper, in the center, and the polar star, a mullet of five points, in blue in the upper corner; the star to be equidistant from the hoist and the upper border of the flag, the distance from the two borders to the center of the star being equal to about one-fourth of the hoist, this distance and the size of the star being proportionate to the size of the flag.

FORMS.

I. FREE HIGH SCHOOL PRECINCTS.

The application made to the municipal officers of the town for the calling of a meeting to form a free high school precinct, may be as follows:

To the selectmen of the town of.....:

You are hereby requested by the undersigned, legal voters of the town of....., resident in the section of said town hereinafter described, to call a meeting of the voters resident within the following described limits, to wit: (*here definitely describe the limits of the proposed precinct*); to be held at (*here name the place of meeting*) on the.....day of....., 19.., at...o'clock in the.....then and there to act upon the following articles:

1. To choose a moderator to preside at said meeting.
2. To choose a secretary for said meeting.
3. To see if said voters will establish said described section as a free high school precinct.
4. To choose an agent and clerk for said precinct.
5. To provide and appropriate such sums as may be deemed necessary for the support of a free high school within said precinct for the ensuing year.
6. To determine where said school shall be located or kept.

7. To act upon any other business which may legally come before said meeting.

Dated at said....., the.....day of....., 19...

_____	_____
_____	_____
_____	_____
_____	_____

The notice for a meeting on the foregoing application may be in the form following:

To....., one of the inhabitants of the following described section of the town of.....viz: (*Here recite the limits given in the foregoing application.*)

Greeting.—Written application having been made to the undersigned, municipal officers of said town, by (*here insert names of those signing application*), legal voters of said section, to call a meeting of the legal voters thereof at the time and place and for the purposes hereinafter named, you, the said....., are hereby required in the name of the State of Maine, to notify and warn the inhabitants of said section of the town of....., qualified by law to vote in town affairs, to meet at the (*here designate the place of meeting*) in said section (*here insert the time and purposes of the meeting as set forth in the application therefor.*)

Dated at....., the..... day of....., 19...

_____ Selectmen of.....

The form of return (or certificate of notice) on the foregoing warrant may be as follows:

Pursuant to the within warrant, to me directed, I have notified and warned the inhabitants of the within described section, in the town of, qualified as therein expressed, to assemble at the time and place and for the purposes therein expressed, by posting up an attested copy of said warrant atin said section, and at....., being public and conspicuous places in said section, on the.....day of, being seven days before said meeting.

Dated at....., the..... day of....., 19...

II.

Certificate of superintending school committee of dismissal of a teacher.

The undersigned, superintending school committee of the town of, met at the schoolhouse in * school No. . . . , in said town, on the day of, 19.., due notice of which time and place of meeting and the purposes thereof having been given to each member thereof and to the teacher in said district, and after careful and deliberate investigation, we do hereby certify that we deem the services of, now employed as a teacher in said district, * unprofitable to the school therein, and we accordingly dismiss said teacher for the reasons following, viz:

(Here insert the reasons of dismissal.)

Dated at said, the day of, A. D. 19..

Supt. School Com. of

III.

Certificate of Expulsion of a Scholar.

The undersigned, superintending school committee of the town of, met at the schoolhouse in * school No. . . . , in said town on the day of, 19.., due notice of which time and place of meeting and the purposes thereof having been given to each member of said committee, and after proper investigation of the behavior of, a scholar in the school therein kept, we have adjudged that the said is an obstinately disobedient and disorderly scholar, and that we deem it necessary for the peace and usefulness of the school that he be removed therefrom, and we accordingly expel the said from said school.

Dated at said, the day of, A. D. 19..

Supt. School Com. of

*If schools are designated otherwise than by number, use such designation.

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- SEC. 125. How assessed and collected.
- SEC. 126. To be distributed annually, in January.
- SEC. 127. Balance of mill tax not distributed to be added to permanent school fund.

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