

MAINE STATE LEGISLATURE

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(EMERGENCY)

O N E - H U N D R E D T H L E G I S L A T U R E

Legislative Document

No. 809

H. P. 588

House of Representatives, January 25, 1961

Referred to the Committee on Education. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Lowery of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

**AN ACT to Provide Schooling in Brunswick for High School Tuition Pupils
from Certain Other Towns.**

Emergency preamble. Whereas, the Towns of Bowdoin, Bowdoinham, Durham, Harpswell and Topsham lack high school facilities for all or part of their high school pupils, and the Town of Brunswick is willing to furnish such facilities to tuition pupils from any of these towns, provided an agreement satisfactory to all parties can be made; and

Whereas, it appears such arrangements would require an expenditure by Brunswick of capital funds for the altering or extending by Brunswick of existing buildings in order to accommodate the total enrollment of pupils, and may from time to time in the future require further building alteration or extension and expense; and

Whereas, contracts now in existence between some of said town authorized by the private and special laws of 1949, chapter 102, and amendments thereto, provide payment by the tuition towns to Brunswick for past construction costs at the high school which has been nearly paid in full; and

Whereas, because of said participation in construction cost, application of the tuition charge provided by the Revised Statutes is inequitable to said towns; and

Whereas, arrangements with reference to the school year beginning in 1961 must be made during the spring of 1961 in order that facilities may be available at the beginning of that school year; and

Whereas, only by an immediate grant of legislative approval to the making

of such contracts can the schooling of all such tuition pupils for the school year beginning in the fall of 1961 be accomplished; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. Contracts authorized. The Towns of Bowdoin, Bowdoinham, Durham, Harpswell and Topsham, hereinafter called tuition towns, or any one or more of them, may authorize their respective superintending school committees to enter into and carry out the contracts provided in this chapter for schooling their respective high school pupils in Brunswick. The Town of Brunswick, hereinafter called Brunswick, may likewise authorize its superintending school committee.

Sec. 2. Brunswick to educate tuition pupils. In all such contracts, Brunswick is to agree for a period of years specified therein, to accept tuition pupils from the respective tuition towns, to furnish them with schooling and instruction, supervision, books, supplies and facilities equivalent to what is furnished to Brunswick High School pupils, and for tuition town freshmen equivalent to what is furnished to the last year students at Brunswick Junior High School for as long as Brunswick maintains the 3-year high school program for its pupils.

Sec. 3. Brunswick to furnish, equip and maintain buildings. In all such contracts, Brunswick is to agree for a period of years specified therein to furnish, equip and maintain, substantially in the same manner as the existing high school building is furnished, equipped and maintained, such school building or buildings as may be necessary for carrying out the provisions specified in section 2; and to that end Brunswick may in any such contract agree that it will alter or extend any existing buildings from time to time as necessary to accommodate Brunswick pupils and tuition pupils. The term "building extension" includes constructing a building or buildings which is not physically connected to the present structure.

Sec. 4. Tuition charges. Instead of the tuition provided by the Revised Statutes, and amendments thereto, each contract authorized by this chapter is to contain a provision for tuition payment by each tuition town to Brunswick according to the following formula:

I. First step, determination of total cost. The total high school operating expenses for the school year next preceding the year for which tuition is being computed is to be determined. That total is to include the following expenses: Administration, teachers' and supervisors' salaries, textbooks, teaching supplies, school library, audio-visual, health service, plant and equipment operation, equipment replacement, the purchase price of equipment which is not amortized, plant and equipment maintenance, and insurance premiums paid for insurance on the plant and equipment.

II. Second step, amortization and interest. If alteration or extension of the high school building becomes necessary to accommodate the Brunswick pupils

and tuition pupils at any time after this chapter becomes law, then the annual cost of repayment of any bonds or notes issued to pay for such alteration or extension, including new equipment, together with the annual interest, is to be added to the total annual operating expenses provided in subsection I. Such amortization and interest are to be taken from the figures for the school year for which tuition is being computed rather than the year next preceeding.

III. Third step, per pupil cost. The total of the sums provided by subsections I and II is to be divided by the average daily pupil membership of the entire high school for the school year next preceeding that for which tuition is being computed. The sum thus derived is to be the per pupil tuition rate paid to Brunswick by each tuition town for the school year for which tuition is being computed.

Sec. 5. Capital payments under present agreement authorized. The Towns of Topsham and Harpswell, without new contracts and without further vote of the respective towns, are authorized to pay Brunswick the sum of \$65 for each of their respective pupils per year until the total capital costs and interest contemplated to be paid by Topsham and Harpswell respectively under their original contracts with Brunswick have been fully paid. The contracts referred to are those authorized by the private and special Laws of 1949, chapter 102, and amendments thereto. Brunswick is authorized to accept said capital and interest payments without new contracts and without further vote of the town. Once full payment of said capital cost and interest have been made by Topsham and Harpswell respectively, those 2 towns are vested with all rights stated in said original contracts as accruing to them respectively upon such full payment. Those rights may, however, be modified by the contracts authorized by this chapter. The payments provided in this section are in addition to tuition.

Sec. 6. Contractual period, renewal. The contracts authorized by this chapter may be for any term of years that the parties may decide, and may be renewed at expiration as many times as the parties may from time to time decide. Each renewal must, however, be authorized by the town in the same manner as provided in section 1 for the original contracts.

Sec. 7. Contract may contain other provisions not inconsistent with act. The contracts provided by this chapter may contain such other terms and conditions as the parties agree to, except terms and conditions which are inconsistent with this act.

Sec. 8. P. & S. L. 1949, c. 102, repealed. Chapter 102 of the private and special laws of 1949, as amended by chapter 74 of the private and special laws of 1951, is repealed.

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.