

MAINE STATE LEGISLATURE

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May 25, 1954

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To Honorable Lloyd T. Dunham
Re: Contracts for Secondary Education

. . . Section 96 of Chapter 37, R. S. 1944, as amended, provides:

"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 superintending school committee of any adjoining town or towns, or the trustees of any academy located within such town or towns, for the schooling of pupils within said town in the studies contemplated by section 89."

I would also call your attention to the second sentence in Section 98 of Chapter 37, as amended, which provides as follows:

"When a town not maintaining a secondary school has authorized its superintending school committee to contract, as provided for in section 96, with the trustees or superintending school committees of 2 schools, and when the officials of one of these schools refuses (sic) to enter a contract, then the superintending school committee may authorize pupils residing within said town to attend that noncontracting school and may pay the trustees or superintending school committee of the receiving school the legal tuition charge thereof."

Now with reference to the term, "adjoining", that term is generally defined to be "contiguous to" or "in contact with" or "to abut upon". In other words, there must be some physical contact, no matter how small. You might even say that contact at a single point would be sufficient. Now it has sometimes been said that the word "adjoining" implies contact and excludes any intervening space; but the fact that two towns may be physically separated by a body of water, when in fact their boundaries do join, does not prevent them from being considered adjoining towns. Bullock v. Cooley, 122 N.E. 630; 225 N.Y. 566.

Therefore I would say that your premise that you could not cross another town's line to reach a contracting town is correct. . .

There may be a community school district involved, and if that be true, you will have to consider the provisions of Section 92-H of Chapter 37, R.S. 1944, as amended, which provides:

"Community schools as herein provided when established may be considered the official secondary schools of the participating towns and all provisions of the general law relating to public education shall apply to said schools."

Now it is possible that the town without a secondary school might contract with the community school committee of a community school district formed under the general law, where one of the towns in that district adjoins the town without secondary school facilities. The provision above quoted is very broad and should be given a liberal construction in order to allow our various municipalities to seek out the best education available. . . .

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