

MAINE STATE LEGISLATURE

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New draft of: H. P. 588, L. D. 809

ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 1469

H. P. 1068

House of Representatives, February 23, 1961

Reported by Mr. Durgin from Committee on Education. Printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

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

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

Whereas, it appears such arrangements would require expenditures by the Town of Brunswick of funds for alterations or additions to existing buildings in order to accommodate the total enrollment of pupils, and may from time to time in the future require further alterations or additions or other expense; and

Whereas, contracts now in existence between Brunswick and Harpswell and Topsham require payment by said towns to Brunswick for certain past construction costs and said costs have now been nearly paid in full; and

Whereas, because of said participation in prior construction costs, application of the normal tuition charges may be inequitable as to said two 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 for said school year; and

Whereas, only by immediate legislative authorization of such contracts can the schooling of all such tuition pupils for the school year beginning in 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 the public peace, health and safety; now, therefore,

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

Sec. 1. Tuition contracts authorized. The Towns of Bowdoin, Bowdoinham, Durham, Harpswell and Topsham, hereinafter called the "tuition towns," or any of them, through their respective superintending school committees may contract with the Town of Brunswick for the education of their pupils in the schools of Brunswick. The Town of Brunswick through its superintending school committee may contract with any or all of the tuition towns for the education of their pupils.

Sec. 2. Scope of contracts. The contracts authorized by section 1 shall contain such terms and conditions as are mutually agreeable to the contracting towns. Such contracts may be for any term of years, and may be renewed, amended or supplemented at any time or times by mutual agreement of the contracting towns. Notwithstanding any provision of law to the contrary, such contracts may establish such tuition charges as the contracting towns may deem mutually agreeable. Such charges may include payments to Brunswick on account of capital improvements made or to be made by Brunswick in whole or in part for the accommodation, directly or indirectly, of pupils from the tuition towns. Such charges on account of capital improvements may, in the case of Harpswell and Topsham, be modified to reflect prior payments by said towns to Brunswick on account of prior capital improvements. In such contracts, Brunswick may agree to construct such capital improvements as from time to time may appear necessary to accommodate Brunswick pupils and tuition pupils.

Sec. 3. Contracts to be approved by contracting towns. No contract authorized by this act, or any renewal or amendment thereof, or any contract supplemental thereto, shall be valid unless approved by the contracting towns at town meetings. Articles in the warrant for such meetings need not contain the text or the details of the contract but may make a general reference to the proposed tuition contract as negotiated by the superintending school committees of the contracting towns.

Sec. 4. State aid. Nothing herein contained shall be taken as diminishing any payment of state school money or state aid for schools to which Brunswick or any tuition town is or may be entitled under general provisions of law.

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 hereby 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. Brunswick is hereby 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 shall have been made by Topsham and Harpswell,

respectively, those 2 towns shall be 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 act. The payments referred to in this section are in addition to tuition. The original contracts referred to in this section were authorized by the private and special laws of 1949, chapter 102, and amendments thereto.

Sec. 6. 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.