

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 538**

H. P. 1255

House of Representatives, February 10, 1949

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

HARVEY R. PEASE, Clerk

Presented by Mr. Lacharite of Brunswick.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-NINE

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

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**Emergency preamble.** Whereas, the towns of Bowdoin, Bowdoinham, Durham, Harpswell and Topsham lack high school facilities 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 that such arrangements would require an expenditure by Brunswick of capital funds for the altering by Brunswick of existing buildings in order to accommodate the total enrollment of pupils; and

Whereas, arrangements with reference to the school year beginning in the fall of 1949 must be made during the current spring in order that facilities may be available at the beginning of the school year; and

Whereas, it appears that contracts between Brunswick and other towns desiring to send tuition pupils to Brunswick may be practicable if legislative authority to make such contracts is given; and

Whereas, such arrangements cannot be made under the terms of existing statutes; and

Whereas, only by an immediate grant of legislative approval to the making of such contracts can the schooling of such tuition pupils for the school year beginning in the fall of 1949 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 town of Brunswick, hereinafter called Brunswick, as party of the first part, and the towns of Bowdoin, Bowdoinham, Durham, Harpswell and Topsham, hereinafter called tuition towns, or any one or more of them, as parties of the second part, may authorize their respective superintending school committees to enter into and carry out contracts as hereinafter set forth for the schooling in Brunswick of pupils of the tuition towns, hereinafter called tuition pupils, in the studies contemplated by section 89 of chapter 37 of the revised statutes. Separate contracts may be made for the schooling of high school, junior high school and grade school tuition pupils.

**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 tuition towns and to furnish them with schooling, instruction, supervision, books and supplies equivalent to what is furnished Brunswick pupils, and as if the tuition pupils were Brunswick pupils.

**Sec. 3. Brunswick to furnish and maintain school 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 its 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 of this act; and to that end Brunswick may in any such contract agree that within a period specified therein it will alter any existing buildings so that they will be sufficient, with existing Brunswick school buildings, to accommodate the number of tuition pupils.

**Sec. 4. Tuition charges.** Each such contract may fix a payment not exceeding \$250 per tuition pupil per year, which must be approved by the commissioner of education, and may be arrived at by applying to the estimates per year of the contract period for the schools attended by such pupils the formula set forth as (1) (2) and (3) in section 99 of chapter 37 of the revised statutes, as amended by public laws of 1947, chapter 401;

provided, however, that added to item (1) may be any additional items of expense approved by the commissioner to which Brunswick is put by reason of the contract, such as transportation of Brunswick pupils made necessary in carrying out the contract; and provided further, that in the event that Brunswick shall alter existing buildings, as specified in section 3 of this act, the contracting towns may agree that to item (1) shall be added a reasonable percentage, as approved by the commissioner, of the capital cost thereof; provided, however, that in no case shall the payment to Brunswick by any tuition town under the contract exceed \$250 per tuition pupil per year.

**Sec. 5. Other contract terms; renewal.** Contracts may be made for a period of not more than 5 years and may, if agreed upon, be made subject to modification of specified terms during the contract period; to cancellation by mutual agreement; and to renewal from time to time for a period not longer than 10 years from the original contract date; and contracts may contain such other terms and conditions, not inconsistent with this act, as may be agreed upon between the superintending school committees of the contracting towns and approved by the commissioner of education, on the basis of local conditions or experience; and shall contain any terms and conditions, not inconsistent with this act, which may be specified by vote in town meeting of a contracting party and approved by the commissioner.

**Sec. 6. Advisory board.** An advisory board composed of 1 member from the superintending school committee of each tuition town, selected by the committee of which he is a member, is to represent the tuition towns in carrying out the administration of the contract in behalf of those towns with the superintending school committee of Brunswick.

**Sec. 7. Operative date.** This act shall become operative upon its acceptance in town meeting by Brunswick and by any tuition town, and thereafter contracts hereby authorized will become operative when made for the several towns by their several superintending school committees and approved by the commissioner of education.

**Sec. 8. 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. Nothing herein contained shall be taken as limiting the powers of any town mentioned herein to make contracts under the provisions of section 96 of chapter 37 of the revised statutes, as amended.

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