

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 630**

H. P. 1050

House of Representatives, February 13, 1951.

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  
FIFTY-ONE

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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, negotiations between the town of Brunswick and other towns specified in section 1 of chapter 102 of the private and special laws of 1949, hereinafter sometimes called the Enabling Act, have developed a substantial agreement with reference to altering by Brunswick of its high school building so as to permit adequate education therein to tuition high school pupils from those other towns, on the payment by them of certain capital expenditures incurred by Brunswick for the purpose of caring for these tuition pupils; and

Whereas, the completion of contract arrangements between Brunswick and the other towns has been baffled by questions over the interpretation of certain details of the Enabling Act; and

Whereas, temporary arrangements with reference to the current school year have only been made after considerable practical difficulty and such arrangements appear to be impracticable of extension; and

Whereas, arrangements with reference to the school year beginning in

the fall of 1951 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 these other towns desiring to send tuition pupils to Brunswick may be practicable if the Enabling Act is clarified; and

Whereas, only by an immediate legislative clarification of the Enabling Act can the schooling of such tuition pupils for the school year beginning in the fall of 1951 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. P. & S. L., 1949, c. 102, § 3, amended.** Section 3 of chapter 102 of the private and special laws of 1949 is hereby amended to read as follows:

**'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 **or extend** any existing buildings so that they will be sufficient, with existing Brunswick school buildings, to accommodate the number of tuition pupils.'

**Sec. 2. P. & S. L., 1949, c. 102, § 4, amended.** Section 4 of chapter 102 of the private and special laws of 1949 is hereby amended to read as follows:

**'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 or extend 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~~ which capital cost may include a reasonable interest annually on the unpaid part of such capital cost; provided, however, that in no case shall the payment to Brunswick by any tuition town under the contract for such capital cost and interest be less than \$50 nor more than \$75 per tuition pupil per year.'

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