

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 173

H. P. 143

House of Representatives, January 27, 1977

Referred to Committee on Education. Sent up for concurrence and 2,000 ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Lynch of Livermore Falls.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Relating to the Plans and Specifications Governing School
Construction.

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

Sec. 1. 20 MRSA c. 502-A is enacted to read:

CHAPTER 502-A

PLANS AND SPECIFICATIONS FOR SCHOOL CONSTRUCTION

§ 3481. Inspection of facility; compliance

If it appears to the Commissioner of Educational and Cultural Services that an administrative unit has failed to maintain a school facility which protects the health, welfare and safety of the persons utilizing the facility, he may cause an inspection to be made and shall notify the administrative unit of his findings and of any changes to be made. It shall be the duty of the administrative unit to make the changes promptly. If it fails to make the changes, the administrative unit shall be liable to the penalties provided in section 854.

§ 3482. Governing body's approval; building committee

1. **Governing body's approval.** A plan for any school construction project voted for by an administrative unit shall be approved by the unit's governing board of directors, school committee or board of trustees.

2. **Building committee selection.** The legislative body of an administrative unit may at a regular or a specially called meeting determine the make up of a special building committee. If the legislative body does not establish a special building committee, then the unit's governing board of directors,

school committee or board of trustees shall act as the building committee and may delegate the powers and duties of the building committee to the unit's superintendent.

§ 3483. Approval of plans and specifications; secondary school construction projects; final report; inspection and compliance

1. Approval of plans and specifications. The plans and specifications of a school construction project prepared by a building committee shall include suitable provision for the health, welfare and safety of the persons who will utilize the project. The plans and specifications shall be approved by the Department of Finance and Administration, Bureau of Public Improvements; Department of Educational and Cultural Services; Department of Human Services; Department of Public Safety and the Department of Environmental Protection before they may be accepted by the administrative unit's governing body. Any changes in the plans and specifications must be approved by the Department of Educational and Cultural Services.

2. Secondary school construction project limitations. The State Board of Education may approve a secondary school construction project designed to accommodate fewer than 300 pupils only if the board has determined that the school will have an adequate educational program. The board may not approve a secondary school construction project if fewer than 10 full-time teachers will be employed at the school, unless the location of the school would be geographically isolated.

3. Final report to commissioner. Upon the completion of the school construction project, the building committee shall certify to the commissioner that the school construction project has been completed in conformance with the approved plans and specifications.

4. Inspection and compliance. If it appears to the commissioner that the school construction project has not been completed in conformance with the approved plans and specifications, he may cause an inspection of the project to be made and shall notify the building committee of his findings and of any changes required to be made. It shall be the duty of the building committee to make the changes within a reasonable period of time. Failure to do so shall render the administrative unit liable to the penalties provided in section 854.

Sec. 2. 20 MRSA c. 507, as amended, is repealed.

STATEMENT OF FACT

Enactment of this bill will:

1. Provide a mechanism to assure that existing school facilities are maintained in a manner to provide for the health, welfare and safety of the occupants;

2. Provide a mechanism to assure that all new school building construction provides for the health, welfare and safety of the occupants;

3. Provide a specific process for the selection of a building committee;
4. Identify the proper state approval agencies in compliance with a request from bond counsel;
5. Require that all changes from approved plans and specifications for a school construction project be approved by the Department of Educational and Cultural Services; and
6. Provide the Commissioner of the Department of Educational and Cultural Services with the authority to insist that all school construction projects be completed in conformance with approved plans and specifications.