

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 497

S. P. 183

In Senate, February 17, 1977

Referred to the Committee on Education. Sent down for concurrence and 1,800 copies ordered printed.

MAY M. ROSS, Secretary

Presented by Senator Curtis of Penobscot.

Cosponsor: Senator Danton of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Relating to School Construction.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there is an urgent need for some administrative units to construct facilities for school pupils; and

Whereas, it is in the best interest of local units and the State to know on what basis school construction projects will be approved; and

Whereas, some students are attending schools which are unsafe and obsolete; 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. 20 MRSA § 3457, as last amended by PL 1975, c. 746, § 20, is further amended by inserting before the first paragraph a new paragraph to read:

This section shall apply only to school construction projects approved by the State Board of Education prior to July 1, 1977.

Sec. 2. 20 MRSA § 3458, as last amended by PL 1975, c. 272, § 1, is further amended by inserting before the first paragraph a new paragraph to read:

This section shall apply only to school construction projects approved by the State Board of Education prior to July 1, 1977.

Sec. 3. 20 MRSA § 3459, as last amended by PL 1975, c. 272, §§ 10 and 11, is further amended by inserting before the first paragraph a new paragraph to read:

This section shall apply only to school construction projects approved by the State Board of Education prior to July 1, 1977.

Sec. 4. 20 MRSA § 3460, as last amended by PL 1975, c. 272, § 12, is further amended by inserting before the first paragraph a new paragraph to read:

This section shall apply only to school construction projects approved by the State Board of Education prior to July 1, 1977.

Sec. 5. 20 MRSA § 3743, sub-§§ 11 and 12, as enacted by PL 1975, c. 660, § 2, are repealed and the following enacted in their place:

11. Major capital costs. "Major capital costs" shall be approved by the State Board of Education and shall include all costs which are related to new construction, additions to existing schools, the cost of land acquisition, the building of or acquisition of other facilities related to the operation of administrative units, and major renovations to existing schools, which in the judgment of the commissioner are more feasible than new construction. All school construction projects are subject to approval by the State Board of Education. Equipment approved in conjunction with a school construction project shall be defined as a major capital cost.

The extent of the state obligation to reimburse a school construction project is limited to 95% of the cost approved by the State Board of Education or the approved cost reduced by 1 mill on the state valuation of the unit, whichever is the lesser. Local school administrative units are authorized to appropriate money and borrow or sell bonds to raise the local share of project costs. The local administrative unit commitment shall be raised in the fiscal year following the year in which State Board of Education approval is issued, and shall be expended before any state subsidy is allocated. Financing costs incurred by a local administrative unit for the local share of a project shall not be included as part of the expenditures of the project.

12. Major repairs, maintenance and replacement. "Major repairs, maintenance and replacement" shall be authorized and controlled by the local school units. The Legislature shall annually add to the local unit's allocation \$10 per pupil as determined by the April and October enrollment in the calendar year prior to the year of allocation. The \$10 per pupil allocation shall be expended for major repairs, maintenance and replacement in the year of allocation or establish a reserve fund not to exceed \$25 per pupil in any fiscal year. The moneys expended for major repair, maintenance and replacement

shall be added to the unit's operation costs. Local units shall be authorized to borrow on short term notes the cost of major repair, maintenance and replacement. The annual cost of borrowing shall become a part of the unit's operating costs.

Sec. 6. 20 MRSA § 3743, sub-§ 13, ¶ H-1 is enacted to read:

H-1. Major repairs, maintenance and replacement costs;

Sec. 7. 20 MRSA § 3744, sub-§ 1, ¶ H-1 is enacted to read:

H-1. Major repairs, maintenance and replacement costs;

Sec. 8. 20 MRSA § 3747, sub-§ 3, ¶ H-1 is enacted to read:

H-1. Establish the appropriation for major repairs, maintenance and replacement;

Sec. 9. 20 MRSA § 3750, as enacted by PL 1975, c. 660, § 2, and as repealed and replaced by PL 1975, c. 746, § 24-X, is repealed and the following enacted in its place:

§ 3750. Construction project approval limit; lease approval

1. **Approval limit.** The State Board of Education shall not approve state funded projects if the state's share would be in excess of the amount appropriated by the Legislature for school construction projects plus any funds appropriated from the nonlapsing major capital construction fund.

2. **Lease approval.** The commissioner is authorized to approve the leasing of space to keep schools open until such time as appropriate school facilities can be constructed or otherwise provided.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1977.

STATEMENT OF FACT

The purpose of this bill is to:

1. Authorize school construction to continue at the level authorized prior to the moratorium;

2. Require that the local school administrative units pay a share of the cost of construction, which share will be 5 percent or 1 mill, whichever is less; and

3. Provide for an allocation of \$10 per pupil for major repairs, maintenance and replacement.

This bill is supported by the Maine School Superintendents' Association.