

MAINE STATE LEGISLATURE

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1 (After Deadline)

2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE
5

6 Legislative Document

No. 1690

8 S.P. 582

In Senate, May 24, 1983

9 Approved for introduction by a majority of the Legislative Council
10 pursuant to Joint Rule 27.

11 Referred to the Committee on Appropriations and Financial Affairs. Sent
down for concurrence and ordered printed.

Presented by Senator Baldacci of Penobscot.
JOY J. O'BRIEN, Secretary of the Senate

12 Cosponsors: Senator Perkins of Hancock, Representative Beaulieu of
Portland and Representative Matthews of Caribou.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-THREE
17

18 AN ACT to Authorize a Bond Issue in the
19 Amount of \$3,000,000 for the Elimination of
20 Asbestos Hazards in Public
21 School Buildings.
22

23 Preamble. Two-thirds of both Houses of the
24 Legislature deeming it necessary in accordance with
25 the Constitution of Maine, Article IX, Section 14, to
26 authorize the issuance of bonds on behalf of the
27 State of Maine to provide funds for the purpose of
28 elimination of asbestos hazards in public buildings.

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

31 Sec. 1. Definitions As used in this Act unless
32 the context indicates otherwise, the following terms
33 have the following meanings.

1 1. Asbestos hazards. "Asbestos hazard" means
2 any friable material which contains more than 1%
3 asbestos. Friable asbestos-containing material was
4 sometimes used in building construction for insula-
5 tion, ceilings, walls and pipe and boiler coverings.
6 Asbestos hazards can be eliminated by:

7 (a) Removal;

8 (b) Encapsulation of the material; or

9 (c) Enclosure.

10 2. Deferred action. "Deferred action" means
11 that no action is taken and the area is inspected
12 periodically for changes in exposure potential.

13 3. Encapsulation. "Encapsulation" means the
14 coating of asbestos material with a bonding agent
15 called a sealant.

16 4. Enclosure. "Enclosure" means the separation
17 of asbestos material from the building environment by
18 barriers such as suspended ceilings.

19 5. Friable material. "Friable material" means a
20 material that can be easily crumbled, pulverized or
21 reduced to powder in the hand.

22 6. Inspection and testing program. "Inspection
23 and testing program" means the inspection of build-
24 ings for friable materials which when located are
25 laboratory tested according to Environmental Protec-
26 tion Agency rules. Inspection may be accomplished by
27 local school unit personnel or by commercial firms.

28 7. Public school buildings. "Public school
29 buildings" means public elementary and secondary
30 school buildings which are subject to the Revised
31 Statutes, Title 20-A, chapter 609.

32 8. Removal. "Removal" means the removal and
33 disposal of asbestos material by burial.

34 Sec. 2. Issue of bonds to provide funds for the
35 elimination of asbestos hazards in public school
36 buildings. The Treasurer of State may under the

1 direction of the Governor issue from time to time,
2 serial coupon bonds in the name and on behalf of the
3 State to an amount not exceeding \$3,000,000 for the
4 purpose of raising funds to provide for the elimina-
5 tion of asbestos hazards in public school buildings
6 as authorized by section 1. These bonds shall be
7 deemed a pledge of the faith and credit of the State.
8 These bonds shall not run for a longer period than 5
9 years from the date of the original issue thereof.
10 Any issuance of bonds may contain a call feature at
11 the discretion of the Treasurer of State with the
12 approval of the Governor. All bonds not issued
13 within 5 years of the ratification of this Act shall
14 be deauthorized, and may not be issued.

15 **Sec. 3. Records of bonds to be kept by the State**
16 **Auditor and the Treasurer of State.** The State Audi-
17 tor shall keep an account of these bonds showing the
18 number and amount of each, the date of countersign-
19 ing, the date when payable and the date of delivery
20 thereof to the Treasurer of State, who shall keep an
21 account of each bond, showing the number thereof, the
22 name of the person to whom sold, the amount received
23 from the same and the date when payable.

24 **Sec. 4. Sale, how negotiated; proceeds appropri-**
25 **ated.** The Treasurer of State may negotiate the sale
26 of these bonds by direction of the Governor, but no
27 such bond may be loaned, pledged or hypothecated in
28 behalf of the State. The proceeds of sales of these
29 bonds, which shall be held by the Treasurer of State
30 and paid by him upon warrants drawn by the Governor,
31 are appropriated to be used solely for the purposes
32 set forth in this Act. Any unencumbered balances
33 remaining at the completion of the projects listed in
34 section 7 shall lapse to the debt service account
35 established for the retirement of these bonds.

36 **Sec. 5. Interest and debt retirement.** Interest
37 due or accruing upon any bonds issued under this Act
38 and all sums coming due for payment of bonds at matu-
39 rity shall be paid by the Treasurer of State.

40 **Sec. 6. Disbursement of bond proceeds.** The pro-
41 ceeds of these bonds shall be expended under the
42 direction and supervision of the Commissioner of
43 Educational and Cultural Services.

1 **Sec. 7. Allocation from bond issue.** Funds shall
2 be disbursed to public elementary and secondary
3 schools in accordance with the results of the inspec-
4 tion and testing program and with the approval of the
5 Commissioner of Educational and Cultural Services for
6 up to 90% of the total cost. The remaining 10% of
7 the cost shall be borne by participating local school
8 units and will not be eligible for state reimburse-
9 ment. Cost: \$3,000,000.

10 **Sec. 8. Retroactive reimbursement.** Elimination
11 of asbestos hazards, undertaken since July 1, 1982,
12 may be considered reimbursable under this Act as
13 determined by the Commissioner of Educational and
14 Cultural Services, provided that the following cri-
15 teria has been met: Purpose: The work was undertaken
16 specifically to eliminate asbestos hazards as defined
17 in section 1, subsection 1.

18 **Sec. 9. Contingent upon ratification of bond**
19 **issue.** Sections 1 through 8 shall not become effec-
20 tive unless and until the people of the State shall
21 have ratified the issuance of bonds as set forth in
22 this Act.

23 **Sec. 10. Statutory referendum procedure; form of**
24 **question; effective date.** This Act shall be submit-
25 ted to the legal voters of the State at the next gen-
26 eral election in the month of November following pas-
27 sage of this Act. The city alderman, town selectman
28 and plantation assessors of the State shall notify
29 the inhabitants of their respective cities, towns and
30 plantations to meet in the manner prescribed by law
31 for holding a statewide election to vote on the ac-
32 ceptance or rejection of this Act by voting on the
33 following question:

34 "Shall a bond issue be ratified in the amount of
35 \$3,000,000 for the elimination of abestos hazards in
36 public school buildings?"

37 The legal voters of each city, town and
38 plantation shall vote by ballot on this question, and
39 shall designate their choice by a cross or check mark
40 placed within a corresponding square below the word
41 "Yes" or "No". The ballots shall be received,
42 sorted, counted and declared in open ward, town and

1 plantation meetings and returns made to the Secre-
2 tary of State in the same manner as votes for members
3 of the Legislature. The Governor shall review the
4 returns and, if it appears that a majority of the
5 legal votes are in favor of the Act, the Governor
6 shall proclaim that without delay, and the Act shall
7 become effective 30 days after the date of the
8 proclamation.

9 The Secretary of State shall prepare and furnish
10 to each city, town and plantation all ballots,
11 returns and copies of this Act necessary to carry out
12 the purposes of this referendum.

13 STATEMENT OF FACT

14 This bill permits local school units to undertake
15 projects to eliminate asbestos hazards in public
16 school buildings where inspection and testing has
17 shown that hazards exist. The local unit would be
18 required to pay 10% of the cost of such project from
19 local funds.

20 Results of survey forms completed by local school
21 units and experience with asbestos hazards indicates
22 that up to \$3.15 million may be required to eliminate
23 hazardous asbestos from the state's public schools.

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