

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 1308

6  
7 H.P. 915

House of Representatives, April 16, 1985

8 Referred to the Committee on Education. Sent up for concurrence and  
9 ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative McGowan of Canaan.

11 Cosponsored by President Pray of Penobscot, Representative Davis of  
Monmouth and Senator Pearson of Penobscot.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 AN ACT Concerning Funding for School  
18 Construction Projects by Certain  
19 Private Secondary Schools.  
20

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

23 Sec. 1. 20-A MRSA §15901, sub-§3-A is enacted to  
24 read:

25 3-A. Private secondary school. "Private second-  
26 ary school" means a private secondary school approved  
27 for tuition purposes which meets the requirements of  
28 section 2951.

29 Sec. 2. 20-A MRSA §15901, sub-§4, ¶D, as enacted  
30 by PL 1981, c. 693, §§5 and 8, is amended to read:

31 D. The building of or acquisition of other fa-  
32 cilities related to the operation of school ad-  
33 ministrative units or private secondary schools;

1           Sec. 3. 20-A MRSA §15902, sub-§§1 and 2, as en-  
2 acted by PL 1981, c. 693, §§5 and 8, are amended to  
3 read:

4           1. Building committee. The legislative body of  
5 a school administrative unit may at a regular or spe-  
6 cially called meeting establish a special building  
7 committee. If the legislative body does not estab-  
8 lish a special building committee, then the school  
9 board shall act as the building committee and may  
10 delegate the powers and duties of the building com-  
11 mittee to the superintendent. In the case of a pri-  
12 vate secondary school, the governing body of that  
13 school shall act as the building committee.

14           2. School board approval. A plan for a school  
15 construction project voted for by a school adminis-  
16 trative unit shall be approved by the school board. A  
17 plan for a school construction project by a private  
18 secondary school must be approved by the governing  
19 body of the school.

20           Sec. 4. 20-A MRSA §15903, sub-§3, as enacted by  
21 PL 1981, c. 693, §§5 and 8, is amended to read:

22           3. Approval. Before acceptance by a school  
23 board, or in the case of a private secondary school  
24 by the governing body of that school, the plans and  
25 specifications shall be approved by the following:

- 26           A. The Bureau of Public Improvements, Department  
27 of Finance and Administration;
- 28           B. The department;
- 29           C. The Department of Human Services; and
- 30           D. The State Fire Marshal.

31           Sec. 5. 20-A MRSA §15903, sub-§5, as enacted by  
32 PL 1981, c. 693, §§5 and 8, is amended to read:

33           5. Inspection and compliance. If it appears to  
34 the commissioner that the school construction project  
35 has not been completed in conformity with the ap-  
36 proved plans and specifications, the commissioner may  
37 cause an inspection of the project to be made. The

1 commissioner shall notify the building committee of  
2 the findings of the investigation and of any changes  
3 required. The building committee shall make the  
4 changes within a reasonable period of time. Failure  
5 to do so shall render the school administrative unit  
6 or the private secondary school liable to the penal-  
7 ties provided in section 6801.

8 Sec. 6. 20-A M RSA §15904, sub-§3-A is enacted to  
9 read:

10 3-A. Private school. In the case of a private  
11 secondary school, the vote shall be by secret ballot  
12 of the governing body of the school. The initial  
13 share to be borne by the governing body of the pri-  
14 vate school shall be 5% of the total cost.

15 Sec. 7. 20-A M RSA §15904, sub-§4, as enacted by  
16 PL 1981, c. 693, §§5 and 8, is amended to read:

17 4. Form. The In cases other than a private sec-  
18 ondary school, the article shall indicate:

19 A. That the initial local share of the total  
20 cost of the project shall be 5% of the total cost  
21 or one mill multiplied by the school administra-  
22 tive unit's state valuation, whichever is less;

23 B. The actual initial local share;

24 C. That the entire additional operating costs of  
25 the new project during its first 2 years shall be  
26 borne by revenues raised by the school adminis-  
27 trative unit;

28 D. The estimated amount of the additional oper-  
29 ating costs during each of the first 2 years; and

30 E. The state allocation percentage in the year  
31 in which the project received concept approval.

32 Sec. 8. 20-A M RSA §15907, sub-§1, as amended by  
33 PL 1983, c. 426, §4, is further amended to read:

34 1. Payment of State's share. The state alloca-  
35 tion for debt service costs shall be paid by the  
36 commissioner to each unit according to that unit's

1 debt retirement schedule and rules adopted pursuant  
2 to this chapter. In the case of a school construc-  
3 tion project involving a private secondary school,  
4 the State's share shall be paid according to rules  
5 adopted pursuant to this chapter.

6 Sec. 9. 20-A MRSA §15907, sub-§2, as enacted by  
7 PL 1981, c. 693, §§5 and 8, is amended to read:

8 2. Payment of local share. A school administra-  
9 tive unit shall pay the local share of their project  
10 costs. In the case of a school construction project  
11 involving a private secondary school, the local share  
12 shall be paid by the governing body of the school.

13 Sec. 10. 20-A MRSA §15909, sub-§1-A is enacted  
14 to read:

15 1-A. Rate of construction aid; private secondary  
16 schools. In the case of a school construction project  
17 involving a private secondary school, the share of  
18 the total cost of the project to be paid by the gov-  
19 erning body of the private secondary school shall be  
20 5% of the total cost.

21 Sec. 11. 20-A MRSA §15909-A is enacted to read:

22 §15909-A. Adjustment in insured value factor

23 Notwithstanding the provisions of section 5806,  
24 in the case of a school construction project involv-  
25 ing a private secondary school, the commissioner,  
26 prior to approving the project, shall reach agreement  
27 with the governing body of the school concerning ad-  
28 justments in the insured value factor for that school  
29 to take into account state funding of the proposed  
30 project.

31 Sec. 12. 20-A MRSA §15910, sub-§2-A is enacted  
32 to read:

33 2-A. Reports; private secondary schools. The  
34 governing body of a private secondary school shall  
35 file such reports as the commissioner may by rule re-  
36 quire.

1           Sec. 13. 20-A MRSA §15910, sub-§§3 and 4, as en-  
2       acted by PL 1981, c. 693, §§5 and 8, are amended to  
3       read:

4           3. Penalty. Failure to submit accurate reports  
5       within specified times shall be deemed sufficient  
6       cause for withholding school construction aid until  
7       the school administrative unit or governing body of a  
8       private secondary school complies.

9           4. Time of signing. A school administrative  
10       unit or governing body of a private secondary school  
11       may not sign a contract for construction or begin  
12       construction until the final plans and specifications  
13       have been approved by the commissioner, the Bureau of  
14       Public Improvements, the Department of Human Services  
15       and the State Fire Marshal.

16    STATEMENT OF FACT

17           The purpose of this bill is to make private sec-  
18       ondary schools which are approved for tuition pur-  
19       poses eligible for state funding of school construc-  
20       tion projects.

21    1525032985