

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1760

S.P. 600

In Senate, June 8, 1987

Reported by Senator Estes of York for the Committee on Education and printed under Joint Rule 2. Original Bill sponsored by Senator Andrews. Cosponsored by: Senator Theriault of Aroostook, Representative Handy of Lewiston, Representative Lacroix of Oakland.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 **AN ACT to Assure Accessibility to Newly**
2 **Constructed and Renovated Educational**
3 **Facilities.**
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5 Be it enacted by the People of the State of Maine as
6 follows:

7 20-A MRSA §15903, sub-§5, as enacted by PL 1981,
8 c. 693, §§5 and 8, is repealed and the following en-
9 acted in its place:

10 5. Inspection and compliance. Review and in-
11 pection of school construction projects for compli-
12 ance with approved plans and specifications shall be
13 provided in accordance with this subsection.

1 A. If it appears to the commissioner that the
2 school construction project has not been com-
3 pleted in conformity with the approved plans and
4 specifications, the commissioner may cause an in-
5 spection of the project to take place.

6 B. Upon receipt by the commissioner of a written
7 petition from one or more residents of the school
8 administrative unit where the school construction
9 project is located claiming that the project has
10 not been completed in conformity with the ap-
11 proved plans and specifications, the commissioner
12 shall cause an inspection of the project to be
13 made or shall issue a written explanation to the
14 petitioner or petitioners explaining his refusal
15 to do so. The petitioner or petitioners shall
16 certify as part of the petition that the claim of
17 nonconformance has been brought to the attention
18 of the superintendent of the school administra-
19 tive unit in which the school construction
20 project is located and that the superintendent
21 has failed to respond in a satisfactory manner to
22 that claim.

23 C. If an investigation is held, the commissioner
24 shall notify the building committee, or legisla-
25 tive body of the school administrative unit when
26 no building committee exists, of the findings of
27 the investigation and of any changes required.
28 The building committee or legislative body of the
29 school administrative unit shall make the changes
30 within a reasonable period of time. Failure to
31 do so shall render the school administrative unit
32 liable to the penalties provided in section
33 6801-A.

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FISCAL NOTE

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This new draft may precipitate additional inspections of completed school construction projects by requiring the Commissioner of Educational and Cultural Services to provide for an inspection of the facility in certain situations. The additional cost associated with these inspections, primarily travel costs, will be absorbed within the existing resources of the department.

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STATEMENT OF FACT

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The original bill required the Commissioner of Educational and Cultural Services to provide for an inspection of a school construction project to determine compliance with the approved plans and specifications upon receipt of a petition from one or more persons residing in the school administrative unit where the project exists alleging nonconformance. This new draft gives the commissioner the option of providing for the inspection or of issuing a written response to the petitioners why he chose not to provide the inspection. The new draft also requires the petitioners to certify that they have brought the question of compliance to the attention of the unit superintendent and have not received satisfactory results. Finally, this new draft adds a fiscal note to the bill. Since this new draft reduces the potential number of inspections which the commissioner will be required to arrange, the fiscal impact will be less than for the original bill.

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