

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2245

S.P. 878

In Senate, January 26, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Education suggested and ordered printed.

Joy J. O'Brien
JOY J. O'BRIEN
Secretary of the Senate

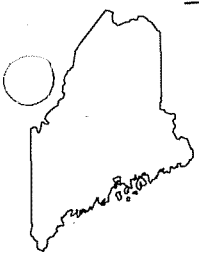
Presented by Senator PERKINS of Hancock.

Cosponsored by Senator ESTES of York, Representative HIGGINS of Scarborough and Representative MACOMBER of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Rehabilitate Public School Facilities Necessitated by the Removal of Hazardous Materials.



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

4 20-A MRSA c. 201-A is enacted to read:

6 **CHAPTER 201-A**
8 **REHABILITATION OF SCHOOL FACILITIES**
10 **FOLLOWING REMOVAL OF**
12 **HAZARDOUS MATERIALS**

14 **§4021. Definitions**

16 As used in this chapter, unless the context otherwise
18 indicates, the following terms have the following meanings.

20 **1. Hazardous material.** "Hazardous material" means asbestos
22 and other material that affects the health or safety of the
24 occupants of a public school facility.

26 **2. Public school facility.** "Public school facility" means
28 a structure that is used for educational purposes and that is
30 owned and operated by a school administrative unit or a private
32 school approved for tuition purposes that has a school enrollment
34 of at least 60% publicly funded students.

36 **3. Rehabilitation expenses.** "Rehabilitation expenses"
38 means those costs incurred in restoring any public school
40 facility to allow that facility to be used for the purpose it
42 served prior to the removal of hazardous materials when those
44 costs are incurred as a result of the removal of any hazardous
46 material.

48 **§4022. Reimbursement for expenses incurred**

50 In accordance with rules promulgated by the commissioner,
52 school administrative units or eligible private schools may apply
54 to the department for reimbursement for rehabilitation expenses.
Reimbursement is determined in accordance with a sliding scale
that takes into account the local property tax effort in relation
to the statewide average.

The total state expenditure under this section is limited to
the amount appropriated by the Legislature for this purpose. If
the amount for which a school administrative unit or eligible
private school applies exceeds the amount appropriated, the
applications must be prioritized in accordance with rules
established by the commissioner.

56 **§4023. Rules**

58 The commissioner shall adopt rules necessary to implement
60 this chapter. These rules must include, at a minimum,
62 application forms and procedures, a procedure for timely approval
64 of acceptable applications, a formula for determining the
percentage of reimbursement for which any applicant is eligible

2 and a method for prioritizing applications for reimbursement.

4 **§4024. Annual appropriation**

6 By January 1st each year, the commissioner shall provide an
8 estimate of the cost of providing reimbursement for all eligible
10 projects under this chapter to the joint standing committee of
12 the legislature having jurisdiction over appropriations and
14 financial affairs.

16 **STATEMENT OF FACT**

18 The removal of hazardous materials, in conformance with
20 federal and state rules and regulations, will result in
considerable local costs for rehabilitation of the school
facilities from which the materials are removed. This bill
provides state financial assistance to public schools to meet
these costs in accordance with a formula that is based on the
local tax burden.