

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 500

S.P. 191

In Senate, February 11, 1991

Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator ESTES of York

Cosponsored by Representative NORTON of Winthrop and Representative CROWLEY of Stockton Springs.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Provide Funding for Asbestos Treatment, Underground Tank Removal and Replacement, Roof Repair and Other Costs Associated with Federal Mandates.



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

2
4 **Sec. 1. 20-A MRSA §15603, sub-§2, ¶¶D and E**, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, are amended to read:

6 D. Major capital costs; and

8 E. Expenditures from all federal revenue sources, except
10 for amounts received under United States Public Law 81-874; and

12 **Sec. 2. 20-A MRSA §15603, sub-§2, ¶F** is enacted to read:

14 F. Minor capital costs defined in section 15612, subsection
16 14.

18 **Sec. 3. 20-A MRSA §15604, sub-§1, ¶¶I and J**, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, are amended to read:

20 I. Cost of state expenditures for teachers' retirement
22 benefits; and

24 J. Early childhood educational programs; and

26 **Sec. 4. 20-A MRSA §15604, sub-§1, ¶K** is enacted to read:

28 K. Minor capital costs as defined in section 15612,
30 subsection 14.

32 **Sec. 5. 20-A MRSA §15607, sub-§11**, as amended by PL 1987, c. 850, §§2 and 5, is further amended to read:

34 **11. Appropriation for nonpublic school services.**
36 Appropriate the necessary funds for reimbursement for nonpublic
38 school services under section 15613, subsection 4; and

40 **Sec. 6. 20-A MRSA §15607, sub-§12**, as amended by PL 1989, c. 502, Pt. C, §§7 and 8, is further amended to read:

42 **12. Appropriation for special education tuition and costs**
44 **for out-of-district placements.** Appropriate the necessary funds
46 for special education tuition under section 15612, subsection
48 11; and

50 **Sec. 7. 20-A MRSA §15607, sub-§13** is enacted to read:

13. Appropriation for minor capital costs adjustment.
 Appropriate the necessary funds for the approved minor capital
 costs adjustment under section 15612, subsection 14.

2 Sec. 8. 20-A MRSA §15612, sub-§14 is enacted to read:

4 14. Minor capital costs adjustment. The following
6 adjustment is paid to reimburse school administrative units for
 minor capital costs that are incurred in the year prior to the
 year of allocation and approved by the commissioner.

8 A. For purposes of this section, "minor capital cost" means
 a cost incurred for:

10 (1) Asbestos abatement not funded by other state or
12 federal programs;

14 (2) Restoration of a public school facility to allow
16 that facility to be used for the purpose it served
18 before the removal of asbestos or other hazardous
 materials, when that cost is incurred as the result of
 the removal of the hazardous materials;

20 (3) Removal or other proper abandonment of underground
22 oil tanks as permitted by Title 38, section 566-A, and
 replacement of removed or abandoned tanks;

24 (4) Roof repairs or renovations; or

26 (5) Other minor capital costs incurred as a result of
28 state or federal laws, rules or regulations relating to
30 health, safety or sanitation, including, but not
 limited to, costs related to overboard discharge
 systems, air quality and radon.

32 B. The commissioner shall adopt rules to define further the
34 costs included in paragraph A, subparagraphs (1) to (5), to
36 provide for implementation of this subsection; to establish
38 a procedure for making eligible for the adjustment payments
40 on bonds and notes for indebtedness incurred by school
 administrative units for past expenditures for these types
 of minor capital costs; and to establish a schedule to
 reimburse local units for the costs of mandatory oil tank
 removal and replacement or other approved proper abandonment
 incurred in fiscal year 1990-91 or fiscal year 1991-92.

42 C. The amount of the adjustment is the amount by which the
44 approved costs incurred in the year prior to allocation
46 exceed the maximum expected local contribution to costs.
 The maximum expected local contribution to costs is the
 lesser of:

48 (1) The amount determined by multiplying the school
50 administrative unit's local share percentage for
 operating costs for the year of allocation by the

