

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 989

H.P. 690

House of Representatives, March 8, 1991

Received by the Clerk of the House on March 6, 1991. Referred to the Committee on Education and 1400 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative GWADOSKY of Fairfield.

Cosponsored by Representative CROWLEY of Stockton Springs, Speaker MARTIN of Eagle Lake and Representative AULT of Wayne.

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STATE OF MAINE

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

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**An Act Concerning the Lease or Lease-purchase of School Bus Garage  
and Maintenance Facilities and School Administrative Office Space.**

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

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3 Sec. 1. 20-A MRSA §15603, sub-§2, as amended by PL 1985, c.  
4 797, §56, is further amended to read:

5 2. Actual local operating costs. "Actual local operating  
6 costs" include all costs except the following:

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8 A. Program costs for special education costs in subsection  
9 22, vocational education costs in subsection 30,  
10 transportation operating costs in subsection 29, bus  
11 purchase costs in subsection 7 and early childhood costs in  
12 subsection 10;

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14 B. Debt service costs;

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16 C. Community service costs;

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18 D. Major capital costs; and

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20 E. Expenditures from all federal revenue sources, except  
21 for amounts received under United States Public Law 81-874.

22  
23 "Actual local operating costs" include costs of leasing and  
24 lease-purchase agreements for school administrative office space.

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26 Sec. 2. 20-A MRSA §15603, sub-§6-A is enacted to read:

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28 6-A. Bus garage and maintenance facilities. "Bus garage  
29 and maintenance facilities" means land and buildings used  
30 primarily for storage, maintenance or repair of school buses.

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32 Sec. 3. 20-A MRSA §15603, sub-§29, as enacted by PL 1983, c.  
33 859, Pt. G, §§2 and 4, is amended to read:

34  
35 29. Transportation operating costs. "Transportation  
36 operating costs," for subsidy purposes, means all costs incurred  
37 in the transportation of pupils in kindergarten to grade 12,  
38 including lease costs for bus garage and maintenance facilities  
39 and lease-purchase costs that the school administrative unit may  
40 apply to the purchase of bus garage and maintenance facilities,  
41 when the leases and lease-purchase agreements have been approved  
42 by the commissioner, but excluding the costs of bus purchases.  
43 The amount includable for determining the subsidy for a school  
44 administrative unit for lease-purchase of bus garage and  
45 maintenance facilities may not exceed the amount for the lease of  
46 a comparable facility.

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2           **Sec. 4. 20-A MRSA §15621**, as enacted by PL 1989, c. 414, §26,  
is amended to read:

4           **§15621. Rulemaking**

6           The commissioner may adopt rules pursuant to the Maine  
Administrative Procedure Act, Title 5, chapter 375, to implement  
8           this chapter. On or before March 1, 1992, the commissioner shall  
10           adopt rules for approving the lease-purchase of bus garage and  
12           maintenance facilities as defined in section 15603, subsection  
13           6-A and for determining the amount includable for subsidy  
14           purposes.

14           **Sec. 5. 20-A MRSA §15901, sub-§4**, as amended by PL 1989, c.  
16           466, §5, is further amended to read:

18           **4. School construction project.** "School construction  
project" means:

20           A. On-site additions to existing schools;

22           B. New schools;

24           C. The cost of land acquired in conjunction with projects  
otherwise defined by this subsection;

26           D. The building of or acquisition of other facilities  
28           related to the operation of school administrative units;

30           E. The complete restoration of existing school buildings in  
lieu of replacement when in the judgment of the commissioner  
32           the action is in the best interest of the State and local  
unit; and

34           F. Off-site construction may only be included within the  
36           meaning of this term if, in the judgment of the  
commissioner, it is economically in the best interests of  
38           the State or there is no other practical way to complete a  
project.

40           "School construction project" does not mean the purchase,  
42           lease-purchase or construction of portable temporary classroom  
space, as defined in section 15603, subsection 19-A or the  
44           lease-purchase of bus garage and maintenance facilities, as  
45           defined in section 15603, subsection 6-A.

46           **Sec. 6. 20-A MRSA §15901, sub-§4-A**, as amended by PL 1989, c.  
48           466, §6, is further amended to read:

50           **4-A. Small scale school construction project.** "Small scale  
school construction project" means a project which that will not  
52           be eligible for state subsidy and is limited to:

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A. New buildings not exceeding 600 square feet in gross area to be utilized solely for storage or custodial work, or both; or

B. On-site additions to existing school buildings not exceeding 600 square feet in gross area.

"Small scale school construction project" does not mean the purchase, lease-purchase or construction of portable temporary classroom space, as defined in section 15603, subsection 19-A or the lease-purchase of bus garage and maintenance facilities, as defined in section 15603, subsection 6-A.

**STATEMENT OF FACT**

Under current law, part of the state subsidy that school administrative units receive is based on the funds they expend to lease bus garage and maintenance facilities. The subsidy does not cover funds used for the lease-purchase of bus garage and maintenance facilities.

This bill includes lease-purchase payments for bus garage and maintenance facilities and school administrative office space in state subsidy calculations.