

# MAINE STATE LEGISLATURE

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L.D. 628

(Filing No. S- 206 )

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STATE OF MAINE  
SENATE  
116TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 192, L.D. 628, Bill, "An Act to Allow for the Expenditure of Certain School Construction Funds Elsewhere in the District"

Amend the bill by striking out the title and substituting the following:

**'An Act Concerning School Construction'**

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

**'Sec. 1. 5 MRSA §1747, sub-§§1 and 2,** as enacted by PL 1989, c. 483, Pt. A, §20, are amended to read:

**1. Untimely completion.** If, in the opinion of the director, the contractor has not completed in a timely manner a prior construction project or projects and the resulting noncompletion clearly reflects disregard for the completion date and has created a hardship for the owner;

**2. Incomplete work.** If, in the opinion of the director, that contractor has a history of inability to complete similar work;

**Sec. 2. 20-A MRSA §15621,** as amended by PL 1991, c. 268, §4, is further amended to read:

**§15621. Rulemaking**

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

**COMMITTEE AMENDMENT**

2 purposes. On or before February 1, 1994 the commissioner shall  
3 adopt rules for approving lease costs for school buildings as  
4 defined in section 15603, subsection 8, paragraph B and for  
5 determining the amount includable for subsidy purposes.

6 **Sec. 3. 20-A MRSA §15905, sub-§4,** as amended by PL 1989, c.  
7 911, §10, is further amended to read:

8  
9 **4. Rules.** The state board may adopt or amend rules  
10 relating to the approval of school construction projects.

11 The state board is encouraged to review school construction rules  
12 regarding costs per square foot, consider other measures for  
13 containing building costs and report on these efforts to the  
14 joint standing committee of the Legislature having jurisdiction  
15 over education matters during the First Regular Session of the  
16 115th Legislature. On or before February 1, 1994 the state board  
17 shall adopt rules for approving movable equipment costs for  
18 school construction.

#### 20 FISCAL NOTE

21  
22 The Department of Education will incur some minor additional  
23 costs to adopt rules related to school building lease costs.  
24 These costs can be absorbed within the Department's existing  
25 budgeted resources.

26  
27 The additional costs to adopt rules for approving movable  
28 equipment for school construction projects can be absorbed by the  
29 State Board of Education utilizing existing budgeted resources.

#### 32 STATEMENT OF FACT

33  
34 This amendment replaces the bill. The amendment clarifies  
35 that the Director of the Bureau of General Services may refuse to  
36 release plans and specifications to a contractor for the purpose  
37 of bidding on a public works project if, in the opinion of the  
38 director, the contractor has not completed prior construction  
39 projects in a timely manner or if the contractor has a history of  
40 inability to complete similar projects.

41  
42 The amendment directs the Commissioner of Education to adopt  
43 rules for approval of lease costs for school buildings and for  
44 determining what portion of the costs may be eligible for state  
45 subsidy. The amendment also directs the State Board of Education  
46 to adopt rules for approving movable equipment costs for school  
47 construction projects and adds a fiscal note.

48  
Reported by Senator O'Dea for the Committee on Education.  
Reproduced and Distributed Pursuant to Senate Rule 12.  
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