

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1341

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S.P. 420

In Senate, March 4, 1997

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**An Act to Improve Maine's School Construction Laws.**

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Reference to the Committee on Education and Cultural Affairs 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 NUTTING of Androscoggin.  
Cosponsored by Representative McKEE of Wayne and  
Senators: PINGREE of Knox, TREAT of Kennebec, Representative: COWGER of Hallowell.

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

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4       **Sec. 1. 5 MRSA §1742, sub-§7**, as amended by PL 1995, c. 665, Pt. G, §1, is further amended to read:

6       **7. Approve plans for public improvements.** To approve all  
8 proposals, plans, specifications and contracts for public  
10 improvements that the State or any of its agencies hold in fee or  
12 by leasehold interest and for school administrative unit projects  
14 costing in excess of \$100,000. The commissioner shall, upon the  
16 request of a school administrative unit, provide consultation for  
any public improvement regardless of cost, ~~---The Bureau of General  
Services may assess school administrative units the reasonable  
cost of services provided by the bureau for school construction  
projects for which budgets have been established subsequent to  
July 1, 1995;~~

18       **Sec. 2. 20-A MRSA §15905, sub-§1, ¶A**, as amended by PL 1995,  
20 c. 632, §1, is further amended to read:

22       A. The state board may approve projects as long as no  
24 project approval will cause debt service costs, as defined  
26 in section 15603, subsection 8, paragraph A, to exceed the  
maximum limits specified in Table 1 in subsequent fiscal  
years.

Table 1

Fiscal year	Maximum Debt Service Limit
1990	\$48,000,000
1991	\$57,000,000
1992	\$65,000,000
1993	\$67,000,000
1994	\$67,000,000
1995	\$67,000,000
1996	\$67,000,000
1997	\$67,000,000
1998	\$67,000,000
1999	\$69,000,000
	<u>\$81,000,000</u>
2000	\$70,000,000
	<u>\$81,000,000</u>

44       **Sec. 3. Rulemaking.** The Bureau of General Services shall  
46 adopt rules concerning school construction to ensure:

48       1. That, when possible, state and local suppliers must be  
50 used to supply materials;

2. That nonspecific bidding is required;

3. That the standard contract between the school and the architects includes a scale for maximum architect fees and a scale for architects' errors and omissions insurance levels; and

4. That all subcontractors work only under the architect's contracts.

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

**Sec. 4. Payment for school construction project; movable equipment and technology.** The Department of Education shall develop a proposal to alter the method by which school construction projects, movable equipment and technology are funded. Under the proposal, such items must be paid for by a combination of the state share percentage and the local share percentage for debt service costs. The department shall submit its proposal, together with any necessary implementing legislation, to the Second Regular Session of the 118th Legislature no later than January 1, 1998.

#### SUMMARY

This bill makes the following changes to the laws governing school construction projects.

1. It repeals the provision, enacted in the 117th Legislature, that permits the Bureau of General Services to assess school administrative units the reasonable cost of services provided by the bureau of school construction projects.

2. It increases the maximum debt service limit for school construction projects in 1999 from \$69,000,000 to \$81,000,000 and in 2000 from \$70,000,000 to \$81,000,000.

3. It directs the Bureau of General Services to adopt rules to ensure that state and local suppliers are used; nonspecific bidding is required; the standard contract between the school and the architects includes a scale for maximum architect fees and a scale for architect errors and omissions insurance levels; and that all subcontractors work only under the architect's contracts.

4. It directs the Department of Education to develop a proposal to require that all school construction projects, movable equipment and technology be paid for by a combination of the state share percentage and the local share percentage for debt service costs.