

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1359

S.P. 415

In Senate, March 5, 2001

An Act to Ensure Safe and Healthy Schools.

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 TREAT of Kennebec.
Cosponsored by Representative COWGER of Hallowell and
Senators: DAGGETT of Kennebec, DOUGLASS of Androscoggin, LONGLEY of Waldo,
Representatives: BERRY of Belmont, BROOKS of Winterport, DAIGLE of Arundel, NASS
of Acton, WATSON of Farmingdale.

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

2
4 **Sec. 1. 5 MRSA §1513, sub-§1-Q** is enacted to read:

6 **1-Q. Transfer from Maine Rainy Day Fund; school facility**
7 **emergency.** The Department of Education is authorized to request
8 a transfer or transfers in an amount not to exceed \$2,000,000 in
9 aggregate in fiscal year 2001-02 from the available balance in
10 the Maine Rainy Day Fund for the purpose of providing emergency
11 funds for emergency health and safety needs as authorized in
12 Title 20-A, section 15903, subsection 7. A transfer or transfers
13 from the fund may take place only if funds are needed by the
14 Department of Education to meet the needs of Title 20-A, section
15 15903, subsection 7. Notwithstanding subsection 2 and section
16 1585, the Department of Education may request such a transfer or
17 transfers to be made available by financial order upon the
18 recommendation of the State Budget Officer and approval of the
19 Governor.

20 **Sec. 2. 20-A MRSA §15903, sub-§§6 and 7** are enacted to read:

22 **6. Hold harmless.** Beginning with the 2001-2002 rating
23 cycle and for each subsequent rating cycle of a major capital
24 improvement program, the state board shall hold harmless a school
25 administrative unit for those school construction projects that:

26 **A.** The department rated as a priority in the preceding
27 rating cycle but the state board did not approve due to the
28 debt service limits established in section 15905, subsection
29 1; and

30 **B.** Had a first priority status health, safety and
31 compliance problem as described under Title 30-A, section
32 6006-F, subsection 3, paragraph A that was part of the
33 school construction project that was rated as a priority
34 need in the preceding rating cycle for which a school
35 administrative unit received a loan from the School
36 Revolving Renovation Fund to remediate.

37 School construction projects that meet the requirements of
38 paragraphs A and B must be assigned a priority need rating in the
39 following rating cycle based on the condition of the facility as
40 assessed during the preceding rating cycle. The state board may
41 adopt or amend rules relating to the approval of school
42 construction projects. Rules adopted pursuant to this section
43 are routine technical rules as defined in Title 5, chapter 375,
44 subchapter II-A.

45 **7. Emergency funding.** The department may seek emergency
46 funding for school construction projects that:

2 A. The department rated as having a priority need in a
4 major capital improvement program but the state board did
6 not approve due to the debt service limits established in
 section 15905, subsection 1; and

8 B. The school administrative unit has documentation for
10 certifying that a health and safety emergency has become
12 known subsequent to the priority need rating and the state
 board funding approval has been determined for the current
 rating cycle of a major capital improvement program.

14 Upon the request of the commissioner and the recommendation of
16 the State Budget Officer and approval of the Governor, the school
18 construction projects that meet the requirements of paragraphs A
 and B are eligible to receive emergency funding for school
 construction from the Maine Rainy Day Fund pursuant to Title 5,
 section 1513, subsection 1-Q.

20 **Sec. 3. 20-A MRSA §15905, sub-§1, ¶A,** as amended by PL 1999,
22 c. 731, Pt. YY, §3, is further amended to read:

24 A. The state board may approve projects as long as no
26 project approval will cause debt service costs, as defined
28 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
2000	\$ 72,000,000
2001	\$ 74,000,000
2002	\$ 74,000,000
2003	\$ 80,000,000
2004	\$ 80,000,000
2005	\$ 84,000,000
<u>2005</u>	<u>\$ 88,000,000</u>

2006 \$ 92,000,000
2007 \$ 96,000,000

SUMMARY

This bill provides several measures to address urgent health and safety issues in school facilities in the State. The bill accomplishes the following.

1. It raises the maximum limit for debt service costs in fiscal year 2005 from \$84,000,000 to \$88,000,000, and for fiscal years 2006 and 2007, establishes the maximum limit for debt service costs at \$92,000,000 and \$96,000,000, respectively.

2. It requires the State Board of Education to hold harmless school administrative units for those school construction projects that were rated as a priority under a major capital improvement program but did not receive state board approval due to the debt service limits for school construction projects. School administrative units that received revolving renovation funds to remediate a first priority status health, safety and compliance problem that was part of the school construction project that was rated a priority would be held harmless in the following rating cycle for a major capital improvement program.

3. It provides that the Commissioner of Education may request transfers from the Maine Rainy Day Fund for school facility emergencies that became known after the priority rating list and funding approval decisions have been made for the current period of the major capital improvement program.