

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1762

H.P. 1294

House of Representatives, March 30, 2001

An Act to Address Maine's School Facilities Needs.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative DESMOND of Mapleton. (GOVERNOR'S BILL)
Cosponsored by Senator TREAT of Kennebec and
Representatives: CUMMINGS of Portland, RICHARD of Madison, STEDMAN of Hartland,
WATSON of Farmingdale, WESTON of Montville, Senators: President MICHAUD of
Penobscot, MITCHELL of Penobscot, ROTUNDO of Androscoggin.

2
3 **Be it enacted by the People of the State of Maine as follows:**

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

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

12 Table 1

14 Fiscal year	Maximum Debt Service Limit
16 1990	\$ 48,000,000
18 1991	\$ 57,000,000
1992	\$ 65,000,000
20 1993	\$ 67,000,000
1994	\$ 67,000,000
22 1995	\$ 67,000,000
1996	\$ 67,000,000
24 1997	\$ 67,000,000
1998	\$ 67,000,000
26 1999	\$ 69,000,000
2000	\$ 72,000,000
28 2001	\$ 74,000,000
2002	\$ 74,000,000
30 2003	\$ 80,000,000
2004	\$ 80,000,000
32 2005	\$ 84,000,000
<u>2006</u>	<u>\$ 90,000,000</u>
34 <u>2007</u>	<u>\$ 96,000,000</u>

36 **Sec. 2. 30-A MRSA §6006-F, sub-§3, ¶A,** as enacted by PL 1997,
c. 787, §13, is amended to read:

38 A. To make loans to school administrative units for school
40 repair and renovation.

42 (1) The following repair and renovation needs receive
first priority status:

44 (a) Repair or replacement of a roof on a school
46 building;

48 (b) Bringing a school building into compliance
50 with the federal Americans with Disabilities Act,
42 United States Code, Section 12101 et seq.;

- 2 (c) Improving air quality in a school building;
- 4 (d) Removing asbestos from or abating asbestos in
a school building;
- 6 (e) Removing underground oil storage tanks on the
8 grounds of a school building; and
- 10 (f) Undertaking other health, safety and
compliance repairs.
- 12 (2) Repairs and improvements not related to health,
14 safety and compliance repairs receive 2nd priority
status. Those repairs and improvements are limited to
16 a school building structure, windows and doors and to a
school building water or septic system.
- 18 (3) Upgrade of learning spaces in school buildings and
20 small-scale capital improvements receive 3rd priority
status.
- 22 (4) The Commissioner of Education may approve other
24 necessary repairs.
- 26 (5) After the total amount appropriated, allocated and
28 repaid to the fund exceeds \$80,000,000, loans may be
30 provided for 2nd priority status, 3rd priority status
32 or other necessary repairs, improvements and upgrades,
34 with approval of the Commissioner of Education, based
on rules adopted under this section, as long as the
Commissioner of Education determines that substantial
progress has been made in addressing repairs and
renovations with first priority status;

36 **Sec. 3. Amend rules governing school construction projects.** The
Department of Education and the State Board of Education shall
38 amend the rules governing school construction projects to provide
that the rating points assigned to a project application for the
40 2001-2002 rating cycle may not be adjusted, reduced or affected
by improvements made to existing buildings that relate directly
42 to protecting the health or safety of staff or students, as long
as the project application involved received a rating on the
44 school facilities priority list for the 1999-2000 rating cycle
and the improvements were made subsequent to the submission of
46 the 1999-2000 application. Rules adopted pursuant to this
section are routine technical rules as defined in the Maine
48 Revised Statutes, Title 5, chapter 375, subchapter II-A.

2 **Sec. 4. Amend rules governing School Revolving Renovation Fund.**

4 The Department of Education and the Maine Municipal Bond Bank
6 shall amend the rules governing the School Revolving Renovation
8 Fund established in the Maine Revised Statutes, Title 30-A,
10 section 6006-F to define the appropriate circumstances in which
12 the maximum loan amount for a school building may be set at an
14 amount in excess of \$1,000,000, in order to maximize the
flexibility and efficiency of the fund in addressing needs for
repairs and improvements that are substantial in nature or that
encompass multiple categories of eligible need. Rules adopted
pursuant to this section are routine technical rules as defined
in Title 5, chapter 375, subchapter II-A.

16 **SUMMARY**

18 This bill raises the debt service limit for school
20 facilities bonds for fiscal year 2005-06 and fiscal year 2006-07
22 in order to increase the quantity of school construction and
24 major renovation projects that can be approved in concept by the
State Board of Education to go forward during 2002, 2003 and
2004 with bond repayments to impact those fiscal years. The bill
also refines the provisions relating to the School Revolving
Renovation Fund to permit funds to be provided in the future for
26 basic structural repairs, learning space upgrades and other
improvements.

28 The bill further directs the Department of Education and the
30 State Board of Education to make rules to "hold harmless" in the
32 2001-2002 rating cycle certain school construction project
34 applications from the 1999-2000 rating cycle that have made
interim health and safety improvements prior to submitting a
reapplication for the 2001-2002 rating cycle. The bill also
36 directs the Department of Education and the Maine Municipal Bond
Bank to amend the rules governing the School Revolving Renovation
Fund to increase flexibility and efficiency by providing that the
38 maximum loan amount for a school building may be set at a level
other than \$1,000,000 under certain circumstances.