

# MAINE STATE LEGISLATURE

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R. O. G.

L.D. 842

DATE: 5-13-03

(Filing No. H-351)

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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 619, L.D. 842, Bill, "An Act Relating to Portable Classrooms for Certain Cases"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 20-A MRSA §15603, sub-§8, ¶B, as amended by PL 1997, c. 787, §6, is further amended to read:

B. Lease costs for school buildings when the leases, including leases under which the school administrative unit may apply the lease payments to the purchase of portable, temporary classroom space beginning January 1, 1988, have been approved by the commissioner for the year prior to the year of allocation. Beginning July 1, 1998 lease cost includes:

(1) Administrative space. A school administrative unit may lease administrative space with state support until July 1, 2003. A school administrative unit engaged in a lease-purchase agreement for administrative space is eligible for state support until July 1, 2008;

(2) Temporary interim nonadministrative space.

COMMITTEE AMENDMENT

2 (a) A school administrative unit with  
3 state-approved need for nonadministrative space  
4 may lease temporary interim space, with state  
5 support, for a maximum of 5 years. A school  
6 administrative unit that has a major capital  
7 improvement application or a school revolving  
8 renovation fund application on file with the  
9 department that is not rated high enough by the  
10 department using the department's rating scale  
11 compared to other school administrative units to  
12 obtain funding to correct problems with its  
13 facilities may appeal to the state board if the  
14 limitation in this division presents an undue  
15 burden. ~~The board's decision is final.~~ In making  
16 a determination on a school administrative unit's  
17 request for relief based on undue burden, the  
18 state board must consider, but is not limited to  
19 considering, the following:

20 (i) Fiscal capacity;

22 (ii) Enrollment demographics; and

24 (iii) Any unforeseen circumstances not  
25 within the control of the school  
26 administrative unit.

28 The state board's decision is final.

30 (b) A school administrative unit engaged in a  
31 lease-purchase agreement for temporary interim  
32 nonadministrative space is eligible for state  
33 support for a maximum of 10 years; and

34 (3) Permanent small nonadministrative space that  
35 replaces or is converted from existing approved leased  
36 portable space. The existing leased portable space  
37 will be eligible for state support until July 1, 2003.  
38 Once an existing leased portable space has been  
39 converted into a permanent nonadministrative space  
40 through an approved lease-purchase agreement, such  
41 space is eligible for state support for a maximum of 10  
42 years.

44 The Department of Education shall adopt rules necessary to  
45 implement this paragraph. Rules adopted by the Department  
46 of Education to implement this paragraph are major  
47 substantive rules pursuant to Title 5, chapter 375,  
48 subchapter II-A 2-A;'

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**SUMMARY**

This amendment strikes and replaces the bill. The amendment clarifies that a school administrative unit engaged in a lease agreement for temporary interim nonadministrative space may be eligible for state support beyond the 5-year limit if the school administrative unit has a major capital improvement application or a school revolving renovation fund application on file with the Department of Education and is not rated high enough by the Department of Education using the department's rating scale compared to other school administrative units to obtain funding to correct problems with its facilities. The amendment also provides criteria that the State Board of Education must use when making a determination on a school administrative unit's appeal for relief from an undue burden presented by this statutory requirement.

**FISCAL NOTE REQUIRED  
(See attached)**

**121st Maine Legislature  
Office of Fiscal and Program Review**



**LD 842**

**An Act Relating to Portable Classrooms for Certain Cases**

**LR 1553(02)**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Education and Cultural Affairs**

**Fiscal Note Required: Yes**

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**Fiscal Note**

No Net Fiscal Impact

**Fiscal Detail and Notes**

Since this legislation will result in fewer local school units engaged in a lease agreement for temporary interim nonadministrative space receiving waivers from the State Board of Education for additional state subsidy beyond the 5 year time frame, there is no additional cost to the General Purpose Aid for Local Schools program within the Department of Education. Any savings that may occur as a result of this measure will be distributed to other components of General Purpose Aid for Local Schools. The amount can not be determined at this time.