

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1041

H.P. 758

House of Representatives, February 26, 2003

**An Act To Protect Schools That Are Completing Health and Safety
Improvements from Losing Points as Part of Their Major Capital
Project Applications**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MILLS of Farmington.
Cosponsored by Representatives: FINCH of Fairfield, SAVIELLO of Wilton, Senator:
WOODCOCK of Franklin.

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

4 **Sec. 1. 20-A MRSA §15905, sub-§5,** as enacted by PL 1993, c.
5 410, Pt. ZZZ, §1, is repealed and the following enacted in its
6 place:

7 5. Approval criteria. In approving school construction
8 projects, the state board shall ensure that:

9 A. A school administrative unit has made efficient use of
10 existing school facilities within the unit and has explored
11 and, when feasible, developed agreements for sharing
12 facilities with neighboring school administrative units; and

13 B. Beginning with the 2003-2004 rating cycle for school
14 construction project applications, the rating points
15 assigned to a school construction project application for
16 the rating cycle in progress are not adjusted, reduced or
17 affected due to improvements made to existing buildings that
18 relate directly to protecting the health or safety of staff
19 or students, as long as the school construction project
20 application involved received a rating on the school
21 facilities priority list for the most recent rating cycle
22 and the improvements were made subsequent to the submission
23 of the most recent application. The state board shall adopt
24 or amend the rules relating to the rating and approval of
25 school construction projects. Rules adopted pursuant to
26 this subsection are routine technical rules as defined in
27 the Title 5, chapter 375, subchapter 2-A.

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31 **SUMMARY**

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33 **34** This bill establishes a so-called "hold harmless" provision
34 to protect school administrative units that are completing health
35 and safety improvements to their school facilities from losing
36 points in the rating process used by the State Board of Education
37 to evaluate school construction project applications. The bill
38 provides that, beginning with the 2003-2004 rating cycle for
39 school construction project applications, the State Board of
40 Education shall ensure that the rating points assigned to a
41 project application for the rating cycle in progress are not
42 adjusted, reduced or affected by improvements made to existing
43 buildings that relate directly to protecting the health or safety
44 of staff or students, as long as the project application involved
45 received a rating on the school facilities priority list for the
46 2001-2002 rating cycle and the improvements were made subsequent
47 to the submission of the 2003-2004 application. The bill also
48 directs the State Board of Education to adopt or amend rules
49 relating to the rating and approval of school construction
50 projects.