

MAINE STATE LEGISLATURE

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Date: 4/11/06
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(Filing No. H-996)

3 **Education and Cultural Affairs**

4 Reproduced and distributed under the direction of the Clerk of the House.

5 **STATE OF MAINE**
6 **HOUSE OF REPRESENTATIVES**
7 **122ND LEGISLATURE**
8 **SECOND REGULAR SESSION**

9 COMMITTEE AMENDMENT ^A to H.P. 1386, L.D. 1979, Bill, "An Act To
10 Allow the Maine Educational Center for the Deaf and Hard of Hearing and the Governor
11 Baxter School for the Deaf To Lease Classroom Space to Independent Schools"

12 Amend the bill by striking out everything after the title and before the summary and
13 inserting in its place the following:

14 **Emergency preamble. Whereas,** acts of the Legislature do not become effective
15 until 90 days after adjournment unless enacted as emergencies; and

16 **Whereas,** pursuant to the deed of gift from Governor Baxter, Mackworth Island was
17 given to the State of Maine as trustee in trust for the benefit of the people of Maine for
18 state public purposes; and

19 **Whereas,** Governor Baxter declared that Mackworth Island was well adapted for
20 recreational and educational purposes and that its use for children would be especially
21 pleasing to him; and

22 **Whereas,** there are unused school facilities at the Maine Educational Center for the
23 Deaf and Hard of Hearing and the Governor Baxter School for the Deaf on Mackworth
24 Island; and

25 **Whereas,** the State has retained ownership of Mackworth Island and the school
26 facilities; and

27 **Whereas,** the Legislature finds that it would serve a state public purpose to lease
28 unused school facilities to provide educational opportunities for children; and

29 **Whereas,** this legislation will allow the Department of Administrative and Financial
30 Services to enter into agreements to lease unused school facilities at the Maine
31 Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for
32 the Deaf consistent with the deed of gift and state law on excess state property; and

33 **Whereas,** this legislation needs to take effect in time to allow for the lease of the
34 unused school facilities for the 2006-2007 school year; and

COMMITTEE AMENDMENT "A" to H.P. 1386, L.D. 1979

1 **Whereas**, in the judgment of the Legislature, these facts create an emergency within
2 the meaning of the Constitution of Maine and require the following legislation as
3 immediately necessary for the preservation of the public peace, health and safety; now,
4 therefore,

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

6 **Sec. 1. 20-A MRSA §7407, sub-§6**, as amended by PL 1999, c. 775, §11, is
7 further amended to read:

8 **6. Collection of fees.** The school board may charge service and rental fees for use
9 of facilities of the school. Any Except as provided in subsection 12-A, any funds
10 received for service and rental fees must be retained by the school.

11 **Sec. 2. 20-A MRSA §7407, sub-§12-A** is enacted to read:

12 **12-A. Lease of school property.** The Department of Administrative and Financial
13 Services may enter into lease agreements consistent with the deed of gift from Governor
14 Percival Baxter and in accordance with state law and policy on the lease of state-owned
15 facilities, including but not limited to the provisions of Title 5, chapter 154. Any funds
16 received pursuant to this subsection must first be applied in accordance with Title 5,
17 section 1784. Any excess revenue above the requirements of Title 5, section 1784 may
18 be retained by the Maine Educational Center for the Deaf and Hard of Hearing and the
19 Governor Baxter School for the Deaf to be applied to statutorily authorized programs.

20 **Emergency clause.** In view of the emergency cited in the preamble, this Act takes
21 effect when approved.

22

SUMMARY

23 This amendment strikes and replaces the bill. The amendment provides authority to
24 the Department of Administrative and Financial Services to enter into lease agreements
25 for unused school facilities on Mackworth Island. The lease arrangements and funds
26 received from this type of lease must be used in a manner that is consistent with the deed
27 of gift from Governor Baxter and applicable state law regarding excess state property,
28 with any remaining funds being retained by the Maine Educational Center for the Deaf
29 and Hard of Hearing and the Governor Baxter School for the Deaf for statutorily
30 authorized programs.

FISCAL NOTE REQUIRED
(See attached)



Approved: 04/10/06 *MAC*

122nd MAINE LEGISLATURE

LD 1979

LR 3084(02)

An Act To Allow the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf To Lease Classroom Space to Independent Schools

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

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Undetermined current biennium revenue increase - Other Funds

Undetermined current biennium cost increase - Other Funds

Fiscal Detail and Notes

This legislation may result in an increase in revenue and expenditures to the Real Property Lease Internal Services Fund within the Department of Administrative and Financial Services from entering lease agreements for certain unused school facilities beginning in fiscal year 2006-07. It may also result in an increase in revenues to the Governor Baxter School for the Deaf and the Maine Educational Center for the Deaf and Hard of Hearing. These amounts can not be determined at this time.