

MAINE STATE LEGISLATURE

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L.D. 705

Date: 6-8-21

(Filing No. H-455)

MAJORITY
EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 517, L.D. 705, "Resolve, To Improve Air Quality and Ventilation in Maine's Public Schools"

Amend the resolve in section 1 in the 2nd line (page 1, line 2 in L.D.) by striking out the following: "rule" and inserting the following: 'rules Chapter 60: New School Siting Approval, Chapter 61: State Board of Education Rules for Major Capital School Construction Projects and'

Amend the resolve by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment is the majority report of the committee. It adds language requiring the Department of Education to amend Chapter 60 and Chapter 61 of its rules, in addition to Chapter 125.

The amendment also incorporates a fiscal note. The fiscal note states that, to the extent that the newly defined air quality standards require some schools to upgrade their existing systems or install new systems, expenditure of local revenue may be required, and, as a result, the fiscal note flags the resolve as a potential mandate. The committee reviewed the fiscal note, and the majority of the committee determined that the requirements of the resolve do not amount to a mandate. The department rules in Chapter 125 already require that rooms used for instructional purposes have "sufficient air changes to produce healthful conditions and to avoid odors or concentrations of toxic substances or dust particles." They also state that if the "heating, ventilating, and air-conditioning (HVAC) systems are mechanically driven, they shall be maintained and in compliance with HVAC regulations and rules." The committee notes that the resolve merely directs the department to amend its rules to require standards governing air quality. In other words, the resolve requires the department to better define standards, but the requirement that systems be maintained in compliance with HVAC rules and regulations already exists. As such, the majority of the

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "*A*" to H.P. 517, L.D. 705

1 committee believes that this is not a new requirement for school districts, but rather a
2 clarification of an existing requirement.

3 **FISCAL NOTE REQUIRED**

4 (See attached)



Approved: 05/14/21 *MAC*

130th MAINE LEGISLATURE

LD 705

LR 1043(02)

Resolve, To Improve Air Quality and Ventilation in Maine's Public Schools

Fiscal Note for Bill as Amended by Committee Amendment *ACH-455*
Committee: Education and Cultural Affairs
Fiscal Note Required: Yes

Fiscal Note

Potential State Mandate - Unfunded

State Mandates

Required Activity

Under current law and Department of Education rule Chapter 125, all school administrative units (SAUs) are required to comply with air quality standards and SAUs with mechanically driven systems must comply with heating, ventilation and air conditioning rules and regulations. However, these rules and regulations are not defined in Chapter 125. This bill directs the Department of Education to amend rule Chapter 125, rule Chapter 60 and rule Chapter 61 to require standards governing air quality and ventilation systems for all schools, including those with nonmechanical ventilation systems. To the extent that the newly defined standards require some schools to upgrade their existing systems or install new systems, expenditure of local revenue may be required.

Unit Affected
School

Local Cost
Significant
statewide

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

Fiscal Detail and Notes

Additional costs to the Department of Education to amend its rule Chapter 125, Basic Approval Standards: Public Schools and School Administrative Units; rule Chapter 60: New Siting Approval and rule Chapter 61: Rules for Major Capital School Construction Projects to require standards governing air quality and ventilation for all schools, including schools with mechanical and nonmechanical ventilation systems and present the provisionally adopted rules for final adoption to the Joint Standing Committee on Education and Cultural Affairs by January 4, 2022 can be absorbed within existing budgeted resources.