

# MAINE STATE LEGISLATURE

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Date: 4/5/22 Majority

L.D. 1935  
(Filing No. H- 928)

**EDUCATION AND CULTURAL AFFAIRS**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1446, L.D. 1935, "Resolve, Regarding Legislative Review of Portions of Chapter 60: New School Siting Approval, Portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects and Portions of Chapter 125: Basic School Approval Standards: Public Schools and School Administrative Units, Major Substantive Rules of the Department of Education, State Board of Education"

Amend the resolve by striking out the title and substituting the following:

**'Resolve, Regarding Legislative Review of Portions of Chapter 60: New School Siting Approval, Portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects and Portions of Chapter 125: Basic School Approval Standards: Public Schools and School Administrative Units, Major Substantive Rules of the Department of Education and State Board of Education'**

Amend the resolve by striking out all of section 1 and inserting the following:

**'Sec. 1. Adoption. Resolved:** That, notwithstanding that the Department of Education and State Board of Education did not hold a public hearing as required pursuant to the Maine Revised Statutes, Title 5, section 8052, subsection 1, final adoption of portions of Chapter 60: New School Siting Approval, portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects and portions of Chapter 125: Basic School Approval Standards: Public Schools and School Administrative Units, provisionally adopted major substantive rules of the Department of Education and State Board of Education that have been submitted to the Legislature for review pursuant to Title 5, chapter 375, subchapter 2-A, is authorized.'

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

**SUMMARY**

This amendment, which is the majority report of the committee, authorizes final adoption of the major substantive rules submitted for legislative approval, notwithstanding

**COMMITTEE AMENDMENT**

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1 that the Department of Education and State Board of Education did not hold a public  
2 hearing as required pursuant to the Maine Revised Statutes, Title 5, section 8052,  
3 subsection 1.

4 This amendment also incorporates a fiscal note. The fiscal note states that to the extent  
5 that the newly defined air quality standards require some schools to upgrade their existing  
6 systems or install new systems, expenditure of local revenue may be required and, as a  
7 result, flags the bill as a potential mandate. The committee reviewed the fiscal note and the  
8 majority of the committee determined that the requirements of the bill do not amount to a  
9 mandate. The department rules in Chapter 125 already require that rooms used for  
10 instructional purposes have "sufficient air changes to produce healthful conditions and to  
11 avoid odors or concentrations of toxic substances or dust particles." They also state that if  
12 the "heating, ventilating, and air-conditioning (HVAC) systems are mechanically driven,  
13 they shall be maintained and in compliance with HVAC regulations and rules." The  
14 committee notes that the bill merely approves final adoption of the rules governing air  
15 quality and that the requirement that systems be maintained in compliance with HVAC  
16 rules and regulations already exists. As such, the majority of the committee believes that  
17 this is not a new requirement of school districts, but rather a clarification of an existing  
18 requirement.

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**FISCAL NOTE REQUIRED**  
**(See attached)**



# 130th MAINE LEGISLATURE

**LD 1935**

**LR 2602(02)**

**Resolve, Regarding Legislative Review of Portions of Chapter 60: New School Siting Approval, Portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects and Portions of Chapter 125: Basic School Approval Standards: Public Schools and School Administrative Units, Major Substantive Rules of the Department of Education, State Board of Education**

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

*A (H-928)*

**Committee: Education and Cultural Affairs**

**Fiscal Note Required: Yes**

## Fiscal Note

Potential State Mandate - Unfunded

### State Mandates

**Required Activity**

Amends Department of Education rule Chapter 125, rule Chapter 60 and rule Chapter 61 to require school administrative units to utilize the best-available practice national standards of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) for inspection, maintenance, ventilation and filtration for all schools. 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.