

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1995

All Other \$4,000,000

Provides an allocation to allow the Public Utilities Commission to distribute funds to qualified libraries and schools to offset the costs of acquiring and using telecommunications services.

See title page for effective date.

CHAPTER 632

H.P. 807 - L.D. 1124

An Act Regarding School Facilities and Debt Service Limits

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

Sec. 1. 20-A MRSA §15905, sub-§1, ¶A, as amended by PL 1993, c. 693, §1, is further amended to read:

A. The state board may approve projects as long as no project approval will cause debt service costs, as defined in section 15603, subsection 8, paragraph A, to exceed the maximum limits specified in Table 1 in subsequent fiscal years.

Table 1

Fiscal year	Maximum Debt Service Limit
1990	\$48,000,000
1991	\$57,000,000
1992	\$65,000,000
1993	\$67,000,000
1994	\$67,000,000
1995	\$67,000,000
1996	\$67,000,000
1997	\$67,000,000
1998	\$67,000,000
1999	\$69,000,000
2000	\$70,000,000

Sec. 2. 20-A MRSA §15905, sub-§6 is enacted to read:

6. Facility maintenance plan required. The state board shall require a school administrative unit applying for state funds for a school construction project to establish a facility maintenance plan for the projected life cycle of the proposed school building. The department shall provide technical assistance to school administrative units in carrying out this section. Assistance must include, but is not limited to, the provision of a model facility maintenance plan and the provision of technical and other assessment information from the school facilities inventory under section 15917.

Sec. 3. 20-A MRSA §15917 is enacted to read:

§15917. School facilities inventory

1. Inventory. The department shall conduct an inventory of all public school facilities in the State through a survey sent to each school principal. For the inventory, the school principal shall identify each public school building and include the following information for each building for which that principal serves as the principal:

- A. A systematic and comprehensive assessment of the physical condition of the building;
- B. Building use statistics; and
- C. A list of rooms by program area.

The survey must be completed by December 1, 1996.

2. Data base established. The department shall establish and maintain a school facilities data base. The data base must be available for inclusion in the education information system maintained by the Education Research Institute and established in section 10.

3. Inventory updated. The department shall update information from the inventory at least every 3 years.

Sec. 4. State Board of Education to convene study. The State Board of Education shall convene a study group to review and make recommendations on school construction issues. The chair of the state board shall appoint at least 6 members to the study group. The President of the Senate and the Speaker of the House of Representatives shall each appoint one member from the Joint Standing Committee on Education and Cultural Affairs to serve on the study group. The study group shall submit its report to the Joint Standing Committee on Education and Cultural Affairs by December 1, 1996. The study group shall consider the following issues:

- 1. Requiring a minimum local contribution from a school administrative unit for school construction

costs in any year in which the local share of school construction costs exceeds the debt service circuit breaker amount for that unit;

2. Revising the school construction project rating system by including consolidation as a criteria in the rating system. The study group must consider recommendations on including consolidation in the rating system made by the Department of Education, the State Board of Education and the Committee to Study Organizational and Tax Issues in Public Schools;

3. Further revising the school construction project rating system by adding to or subtracting from the current rating criteria, which include buildings and grounds, school population, programs and community use of facilities;

4. Use of state school construction funds to subsidize major repairs to a school building;

5. Requiring school administrative units to prepare cost comparisons between new construction and the renovation of existing school buildings when applying for the approval of school construction projects; and

6. Other school construction issues that a majority of the study committee agrees to review.

See title page for effective date.

CHAPTER 633

S.P. 499 - L.D. 1358

An Act to Establish Limited Liability Partnerships

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

PART A

Sec. A-1. 31 MRSA §282, sub-§§4-A, 5-A and 7 are enacted to read:

4-A. Foreign limited liability partnership. "Foreign limited liability partnership" means a limited liability partnership formed pursuant to an agreement governed by the laws of another jurisdiction and registered under the laws of that jurisdiction.

5-A. Professional limited liability partnership. "Professional limited liability partnership" means a registered limited liability partnership that, by virtue of the business conducted by it, would be subject to the Professional Service Corporation Act if that partnership were a corporation.

7. Registered limited liability partnership. "Registered limited liability partnership" means a partnership formed pursuant to an agreement governed by this Act and registered under the Maine Limited Liability Partnership Act.

Sec. A-2. 31 MRSA §286, first ¶, as amended by PL 1977, c. 322, §2, is further amended to read:

A partnership ~~shall mean~~ means an association of 2 or more persons, including an association of a husband and wife, to carry on as ~~co-owners~~ coowners a business for profit and includes a registered limited liability partnership pursuant to the laws of this State.

Sec. A-3. 31 MRSA §295, as enacted by PL 1973, c. 377, §1, is repealed.

Sec. A-4. 31 MRSA §295-A is enacted to read:

§295-A. Nature of partner's liability

1. Partnership liability. Except as provided in subsection 2, all partners are liable:

A. Jointly and severally for everything chargeable to the partnership under sections 293 and 294; and

B. Jointly for all other debts and obligations of the partnership. Any partner may enter into a separate obligation to perform a partnership contract.

2. Registered limited liability partnership. Except as provided in subsection 3, a partner in a registered limited liability partnership is not liable directly or indirectly, including by way of indemnification, contribution, assessment or otherwise for debts, obligations and liabilities however chargeable to the partnership or to another partner or partners, whether in tort, contract or otherwise, arising from omissions, negligence, wrongful acts, misconduct or malpractice committed by another partner, employee, agent or representative of the partnership in the course of the partnership business while the partnership is a registered limited liability partnership.

3. Supervision and control. Notwithstanding subsection 2:

A. A partner in a registered limited liability partnership, other than a professional limited liability partnership, is liable for the partner's own omission, negligence, wrongful act, misconduct or malpractice, or that of any person under the partner's direct supervision and control; and

B. A partner in a professional limited liability partnership is liable as set forth in Title 13, sec-