

STATE OF MAINE

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IN THE YEAR OF OUR LORD  
TWO THOUSAND AND TWELVE

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H.P. 1313 - L.D. 1788

**Resolve, Regarding Legislative Review of Portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education and the Maine Municipal Bond Bank**

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

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

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

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a provisionally adopted major substantive rule of the Department of Education and the Maine Municipal Bond Bank that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. The rule must be amended in Section 4, paragraph C by striking the new sentence that provides the Commissioner of Education with the authority to determine which renovation project categories would be funded; and

2. The rule must be amended in Section 4, paragraph C by adding new language that provides that approved projects must be funded based on the availability of funds and in

priority order from priority one to priority 5. The Commissioner of Education may approve funding for renovation projects as an exception to the priority one to priority 5 funding rule if category-specific funds become available from sources other than principal and interest received from the repayment of loans made from the fund, interest earned from the investment of fund balances and funds from school construction audit recoveries.

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

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In House of Representatives, ..... 2012

Read and passed finally.

..... Speaker

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In Senate, ..... 2012

Read and passed finally.

..... President

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Approved ..... 2012

..... Governor