

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

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

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

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

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

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

Whereas, this legislation needs to take effect in time to allow for the lease of the unused school facilities for the 2006-2007 school year; 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 enacted by the People of the State of Maine as follows:

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

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

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

12-A. Lease of school property. The Department of Administrative and Financial Services may enter into lease agreements consistent with the deed of gift from Governor Percival Baxter and in accordance with state law and policy on the lease of state-owned facilities, including but not limited to the provisions of Title 5, chapter 154. Any funds received pursuant to this subsection must first be

applied in accordance with Title 5, section 1784. Any excess revenue above the requirements of Title 5, section 1784 may be retained by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf to be applied to statutorily authorized programs.

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

SUMMARY

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