

*131st Legislature*  
*Senate of*  
*Maine*  
*Senate District 24*

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*Testimony of Senator Eloise Vitelli introducing*  
**LD 2170, An Act to Prioritize School Construction Projects for Schools  
Affected by Disasters**  
*Before the Joint Standing Committee on Education and Cultural Affairs*  
**February 13, 2024**

Senator Rafferty, Representative Brennan, and Esteemed Members of the Joint Standing Committee on Education and Cultural Affairs, my name is Eloise Vitelli, and I proudly represent Senate District 24, which includes all of Sagadahoc County and Dresden. Today I am pleased to introduce my bill LD 2170, “An Act to Prioritize School Construction Projects for Schools Affected by Disasters.”

On June 11, 2022, an arsonist set fire to Dike Newell Elementary School. Then, two days later, smoldering embers from the first fire burst into flames and caused a second fire. Between the two fires, over 50% of the building was deemed a total loss. Fire, smoke, and water damage destroyed personal items and supplies.

Although the community stepped up to help replace these losses, there remained the issue of finding an adequate, safe space for students to learn. When the new school year began, Dike Newell Elementary School students were relocated to an abandoned school building (the former Morse High School) that the Department of Education had previously determined no longer supported RSU 1’s educational needs.

It no longer met the needs of high school students, and – as a former Head Start teacher – I know that it certainly does not adequately meet the needs of elementary school students. Think about this: the playground and the pick-up/drop-off areas are too close to a busy main street, the space is not adequate for physical education, and the heating system is not sufficient. While the RSU 1 administrators, faculty, and staff are doing extraordinary work to ensure their students are safe, and can learn, this is not a permanent solution.

Some of you, as well as those listening, might ask, “What about the school’s insurance policy? Won’t that cover the costs?” It is a fair question, but let me be clear: Although Dike Newell Elementary School had insurance, the amount is nowhere near enough for the school to be rebuilt, even temporarily. In fact, the school collected just \$11.4 million from the insurance company. I am sure that Scott Brown, if he is here today or at the work session, can tell the Committee estimated cost of rebuilding a school. And if you have specific questions about the

insurance policy and the estimated costs of rebuilding this particular elementary school, a representative from RSU 1 should be able to answer them today – or provide additional information for the work session.

Fortunately, prior to the fires at Dike Newell Elementary School, RSU 1 had already been on the waitlist for the State’s Capital School Construction Fund.

I know that this Committee is familiar with the process, and I am sure that either the DOE or the School Construction Committee will describe – and defend – it in their testimony today. With my testimony, I hope to illustrate how, and why, the current process cannot adequately help schools struck by disaster, which is a rare, but devastating, occurrence.

Basically, the next rating cycle will open this year, in which case the Dike Newell Elementary School students and staff would have to remain in a falling-down facility that RSU rents from the City of Bath for six to seven years. That would not be acceptable. These students and staff need a permanent home that meets contemporary construction, quality, and safety standards.

Recognizing this, school administrators and I looked to the Emergency Project Provision of the State Board of Education Rules for Major Capital School Construction Projects (Chapter 61, Section 1, Subsection 20). As you may know, an “Emergency Project” is *any school construction project requiring the replacement of all or a significant portion of a school facility, resulting from an unanticipated and sudden natural or human disaster, and which is declared uninhabitable by an authorized local, state, or federal government agency or individual.*

Dike Newell Elementary School meets this definition.

Yet, when RSU 1 Administrators and I appealed to the School Construction Committee, we learned that the Emergency Project Provision does not apply: There is no money set aside for emergency projects. Furthermore, schools that experience catastrophe do not get extra “points,” and they do not move up the list.

In the months and years following these emergencies, I continue to have serious concerns for the timely resolution of the need to replace what has been lost to fire and the impact on these children, staff, and administrators in their current temporary accommodations.

That is why I have brought this legislation to you: I hope this bill will help the School Construction Committee better define and articulate what an “emergency” means within the context of school construction funding. As currently defined, and without any funding, an “emergency project” has no real meaning, no actual value.

LD 2170 seeks to enable the School Construction Committee to develop a better plan to ensure that funding for such emergencies is set aside and available. Last summer, when I attended a School Construction Committee meeting, I learned that, although there have been only 6 school fires since 1982, there is no emergency funding for schools struck by disaster.

At that same meeting, the School Construction Committee voted that (1) the State Board of Education work with the Department of Education to move up the timeline for establishing a new rating cycle for the Major Capital School Construction Project by at least six months; (2) that Dike Newell Elementary School apply for school construction funding under the new rating cycle; (3) that the State Board of Education follow the protocol in place; (4) and the Department of Education initiative revisions to Chapter 61. **These initiatives are insufficient to the task at hand: helping schools when they suffer disaster.**

When a school system presents the State Board of Education with a bona fide emergency, such as the fires at RSU 1, this school should be granted priority or emergency status and immediately placed at the top of the next cycle of approved construction rating list for funding. In other words, this school should not have to re-apply. We cannot get back the time that has already been lost.

If we make this change to the process, then disaster-struck schools can confidently and quickly use insurance or local money to begin the major capital school construction planning process. Indeed, it would allow schools to be proactive and provide their communities with hope.

LD 2170 would help the School Construction Committee, the Major Capital School Construction Program, and the State Board of Education work together to better define an “emergency” and plan to provide funds to schools when they experience an emergency.

Only then will school systems such as RSU 1 in my district and RSU 33 in Senate President Jackson’s district be able to take the necessary steps to plan for the future, reassure their communities, and – most importantly – keep their students and staff safe.

When I circulated the bill jacket for co-sponsor signatures, I heard one criticism from a fellow lawmaker, “If we make these changes, won’t schools that are desperate for funding, or tired of waiting on the list, set fire to their own schools?” In response, I will tell you this: Clair Vigil, who admitted to setting Dike Newell Elementary School on fire, will spend the next 25 years in prison. That’s hardly an incentive for Mainers to set their schools on fire.

I urge the Committee to vote “ought to pass” on LD 2170, which will compel the School Construction Committee to re-examine the emergency provision and ensure the State can better support schools when a disaster destroys their buildings and threatens the safety of their students.

Thank you for your consideration and time. At this time, I will do my best to answer any questions you may have.



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