

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-35)
110TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 203, L.D. 248, Bill,
"AN ACT to Establish Statutory Compliance with Modern Technology
and Procedure for Scoring Examinations."

Amend the Bill by inserting at the beginning of the first
line after the enacting clause the underlined abbreviation and
figure 'Sec. 1.'

Further amend the Bill by inserting at the end before
the Statement of Fact the following:

'Sec. 2. 5 MRSA §673, 2nd ¶, as amended by PL 1975, c. 686,
§6, is further amended by adding at the end 2 new sentences to
read:

The commissioner may adjust initial test results only to
eliminate questions that are proven not relevant to the purposes
of the test or which have a bias that is prohibited by state or
federal law. Once a minimum final earned rating is established
for a particular test, it shall not be changed.'

Statement of Fact

L.D. 248, as proposed, permits the commissioner to
adjust initial test results prior to establishing the passing
grade, called "the minimum final earned ratings" in the initial
use of a particular test. The purpose of this is to eliminate
irrelevant questions and illegal bias. Subsequent uses of
the same test would then use the same passing grade by administrative
decision. The law currently requires the commissioner to determine
the passing grade prior to the adjustment. This is bad testing
practice and may be illegal.

This amendment limits, by statute, the adjustment authority of the commissioner by:

1. Authorizing it to be done only to eliminate questions that are proven not relevant to the purposes of the test or which have a bias that is prohibited by state or federal law; and
2. Permitting the commissioner to establish the minimum final earned rating for a particular test only one time. The same passing grade would be used for all subsequent applications of the same test.

Reported by the Committee on State Government.
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