

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
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meeting a knowledgeable 3rd party must be selected in accordance with rules adopted pursuant to subsection 3, paragraph C. The district is responsible for compensating the 3rd party. The 3rd party shall:

(1) Prepare a written summary of the process to date, including an assessment of the fairness, accuracy and responsiveness of the recommendations of the facilitator engaged pursuant to paragraph B-1;

(2) Prepare an impartial recommendation regarding changing the method of cost sharing; and

(3) Present the summary and recommendations to the municipal representatives for their consideration.

B-3. At an advertised public hearing, the municipal representatives shall solicit public input on the 3rd party's recommendation for cost sharing required under paragraph B-2 and any alternative method or methods proposed by municipal representatives.

C. Municipal approval shall must be in the same manner as the original formula was adopted when the community school district was formed, except that, if the proposed change is an alternative cost-sharing plan under subsection 1, paragraph E, the change must be approved by a majority of voters voting in a referendum in each municipality. The total vote cast in each of the member municipalities shall must be at least 20% of the number of votes cast in each of the member municipalities in the last gubernatorial election.

D. A change in the cost-sharing formula shall be is effective at the start of the next fiscal year which starts at least 90 days after the voters have approved it.

Sec. 6. 20-A MRSA §1704, sub-§3 is enacted to read:

3. Departmental assistance. The department shall provide the following services relating to changing district cost-sharing methods:

A. The provision of information and data relating to cost sharing, including, but not limited to, a description of a district's method of cost sharing, the total assessment, the per pupil cost and mils raised for education for district members and the calculation of member costs. The information must be district-specific, comprehensive, easily understood by the general public, presented in graphic and spreadsheet format and

available over the Internet. Written copies of the information described and additional information requested must be provided by the department upon receipt of a written request from a district school board or the legislative body of any municipality member of a district;

B. The provision of professional evaluation and assistance to districts and member municipalities considering changes in cost-sharing methods; and

C. The establishment and maintenance of lists of qualified, available individuals to assist districts considering changes in cost-sharing methods as follows:

(1) Facilitators as required in subsection 2, paragraph B-1; and

(2) Knowledgeable 3rd parties as required in subsection 2, paragraph B-2.

In establishing the lists, the department shall seek input from the Maine Municipal Association and Maine School Management Association or successor organizations. The department may adopt rules to define the qualifications, responsibilities and selection of individuals on the lists. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 376

S.P. 448 - L.D. 1502

An Act Regarding Contracts for Energy Conservation and Air Quality Improvements in School Buildings

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

Whereas, the Legislature created a school renovation fund to provide funds for improvements to school buildings, with priority being given to projects that affect critical health and safety needs such as air quality; and

Whereas, current law is unclear on the competitive bidding requirements for performance contracts for energy conservation and air quality improvements in public school buildings; and

Whereas, there are energy conservation and air quality improvement projects that are awaiting funding but are currently being delayed due to this lack of clarity in the law; 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 MRSA §15915, sub-§1, as repealed and replaced by PL 1987, c. 402, Pt. A, §134, is amended to read:

1. Initial agreement. Any school administrative unit may enter into an agreement of up to 20 years with a private party, such as an energy service or 3rd-party financing company, for the design, installation, operation, maintenance and financing of energy conservation or combined energy conservation and air quality improvements at school administrative unit facilities. Such an agreement is deemed to be a professional service, which is not subject to the competitive bidding requirements of Title 5, section 1743-A, if the agreement:

A. Provides for operation or maintenance of the improvement for at least 5 years or the entire term of the financing agreement if longer than 5 years;

B. Requires a guaranty by the contractor that the improvement will meet performance criteria set forth in the agreement for at least 5 years or for the entire term of the financing agreement if longer than 5 years; and

C. Has a total contract cost, excluding interest and operating and maintenance costs, of less than \$1,000,000 for any school building.

A school administrative unit may select contractors for these professional services on the basis of a request for qualifications or a request for proposals and it is not required to use a competitive method set forth in this chapter and Title 5, section 1743-A and Private and Special Law 1999, chapter 79. The selection process must include at a minimum a request for qualifications or a request for proposals that is advertised in a newspaper of general circulation in the school administrative unit and a newspaper of general circulation in the City of Augusta. The school administrative unit shall interview not less than 3 service providers unless a smaller number of service providers responds to the request for qualifications or requests for proposals. The performance criteria in the

agreement is subject to approval by the Department of Administrative and Financial Services, Bureau of General Services. A request for qualifications or proposals may not contain terms that require service providers to have more than 3 years of experience in the energy conservation field or the use of equipment that is not generally available to service providers or terms that are otherwise included for the purpose of bias or favoritism toward a particular service provider. Objections to the terms of a request for qualifications or proposals under this subsection are deemed waived if not delivered in writing to the office of the superintendent of schools in that school administrative unit within 21 days of the last publication of the newspaper advertisement.

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

Effective June 8, 2001.

CHAPTER 377

S.P. 348 - L.D. 1162

An Act to Ensure Telecommunications Protections for Deaf and Hard-of-hearing People

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

Sec. 1. 26 MRSA §1419, sub-§1, ¶B-2, as enacted by PL 1997, c. 751, Pt. A, §1, is amended to read:

B-2. "Specialized customer telecommunications equipment" means telecommunications equipment used by persons with disabilities to conduct telephone communications. "Specialized customer telecommunications equipment" includes but is not limited to teletypewriters, artificial larynges, signaling devices, amplified handsets, large number dial overlays, direct telephone dialing, fax machines, equipment necessary to use short message services or text message services or other equipment used by persons with disabilities to provide access to telephone networks.

Sec. 2. 26 MRSA §1419-B is enacted to read:

§1419-B. Equal access for deaf, hard-of-hearing or speech-impaired consumers to wireless telecommunication services

1. Equal access program. In order to ensure that telecommunication services are available to deaf, hard-of-hearing or speech-impaired consumers at a cost that is reasonably comparable to the cost of such