

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2011

tion that are approved by the administration as eligible for state grant program funds. The department is not responsible for oversight or eligibility of projects under this subsection.

Sec. 5. 6 MRSA §18, sub-§3, as enacted by PL 1977, c. 678, §31, is amended to read:

3. Federal aid. This State, municipalities and other political subdivisions separately, and municipalities and other political subdivisions jointly with one another or with the State, are authorized to accept, establish, construct, own, lease, control, equip, improve, maintain and operate airports for the use of aircraft within their respective boundaries, or without those boundaries with the consent of the municipality or other political subdivision where the airport is or is to be located, and may use for the purpose or purposes any land suitable and available therefor.

The State, municipalities and other political subdivisions separately, and municipalities and other political subdivisions jointly with one another or with the State, by and through their duly constituted representatives, are authorized to apply for and accept federal aid to further any purpose related to the development of aeronautics and to do all things necessary or incidental thereto, subject to ~~subsection~~ subsections 2 of this section and 2-A. A request for federal aid under the federal Airport and Airway Improvement Act of 1982, 49 United States Code, Chapter 471, as amended, made by a municipality or other political subdivision in this State for a primary airport project is not required to be approved by the commissioner.

Airports owned and operated by any city, town or county are declared to be governmental agencies and entitled to the same immunities as any agency of the State.

See title page for effective date.

**CHAPTER 352
S.P. 110 - L.D. 397**

**An Act To Amend the Laws
Governing Competitive
Bidding for School
Construction and Repair**

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

Sec. 1. 5 MRSA §1743-A, as amended by PL 1989, c. 700, Pt. A, §17, is further amended to read:

§1743-A. Competitive bids; advertisement

Any contract for the construction, major alteration or repair of school buildings involving a total cost in excess of ~~\$100,000~~ \$250,000, except contracts for professional, architectural and engineering services

and contracts for energy conservation services in accordance with Title 20-A, section 15915, ~~shall~~ must be awarded by competitive bids. The school district directors, school committee, building committee or whatever agency has responsibility for the construction, major alteration or repair shall, after consultation with the Director of the Bureau of Public Improvements, seek sealed proposals. Sealed proposals ~~shall~~ must be addressed to the responsible agency and ~~shall~~ must remain sealed until publicly opened in the presence of the responsible agency or a committee thereof at such time as the responsible agency may direct. Competitive bids may be waived in individual cases involving unusual circumstances with the written approval of the Director of the Bureau of Public Improvements and the Commissioner of Education.

When a contract requires that maintenance and service following completion of a project be provided by the person responsible for the construction, major alteration or repair of that project, the cost for the ongoing maintenance and service must be included in determining the total cost of the project and the need to award the project by competitive bid. When a school administrative unit enters into 2 or more contracts for construction, major alteration or repair of school buildings within a 6-month period and the total of those projects exceeds \$250,000, the contracts for those projects must be awarded by competitive bid.

See title page for effective date.

**CHAPTER 353
H.P. 698 - L.D. 938**

**An Act To Permit Public
School Online Learning
Programs To Accept
Nonresident Tuition Students**

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

Whereas, there is an immediate opportunity for Maine school administrative units to improve the quality of education and earn additional revenues by enrolling nonresident tuition students in online learning programs; 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 §5801-A is enacted to read:

§5801-A. Acceptance of tuition students; online learning programs

A school board may decide whether a school in its school administrative unit accepts tuition students who reside, and whose parents reside, outside the State in an online learning program.

This section is repealed July 1, 2014.

Sec. 2. 20-A MRSA §5805, sub-§5 is enacted to read:

5. Online learning program. Tuition for students in an online learning program who reside, and whose parents reside, outside the State is not subject to the limitations of this section.

This subsection is repealed July 1, 2014.

Sec. 3. 20-A MRSA §5810, sub-§3 is enacted to read:

3. Online program tuition. A school administrative unit shall collect tuition for students in an online learning program who reside, and whose parents reside, outside the State.

This subsection is repealed July 1, 2014.

Sec. 4. 20-A MRSA §6004, sub-§3 is enacted to read:

3. Online learning program. Tuition students in an online learning program who reside, and whose parents reside, outside the State must be reported separately to the commissioner and are not included in the annual student count required by subsections 1 and 2.

This subsection is repealed July 1, 2014.

Sec. 5. 20-A MRSA §19152, sub-§3, as enacted by PL 2009, c. 330, §4, is amended to read:

3. Educational options. Use existing educational resources, along with technology, to provide parents a broader range of educational options and to help students in the State improve their academic achievement; and

Sec. 6. 20-A MRSA §19152, sub-§4, as enacted by PL 2009, c. 330, §4, is amended to read:

4. Public school educational opportunities. Increase the capacity of school administrative units to provide public school educational opportunities for students whose educational needs are not being met in the regular public school program; and

Sec. 7. 20-A MRSA §19152, sub-§5 is enacted to read:

5. Nonresident tuition students. Permit school administrative units to provide online educational opportunities to nonresident tuition students who reside, and whose parents reside, outside the State.

opportunities to nonresident tuition students who reside, and whose parents reside, outside the State.

This subsection is repealed July 1, 2014.

Sec. 8. 20-A MRSA §19156 is enacted to read:

§19156. Applicable laws

A tuition student enrolled in an online learning program who resides, and whose parents reside, outside the State is not counted for purposes of essential programs and services under chapter 606-B, is not included in the statewide assessment program established pursuant to chapter 222 and is not subject to chapter 223, subchapters 1, 2 and 4. Notwithstanding section 1001, subsection 9, the participation in any online learning program by a student who resides, and whose parents reside, outside the State may be terminated at the discretion of the superintendent after providing the student with an online opportunity to be heard.

This section is repealed July 1, 2014.

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

Effective June 15, 2011.

CHAPTER 354

S.P. 161 - L.D. 569

An Act To Support and Encourage the Use of Online Textbooks

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

Sec. 1. 20-A MRSA §254, sub-§13 is enacted to read:

13. Technical assistance; professional development and training for instruction in digital literacy; clearinghouse for information on use of online learning resources. The commissioner shall develop a program of technical assistance, including professional development and training for instruction in digital literacy and the establishment of a clearinghouse for information on the use of online learning resources that may be made available to all school administrative units, including those schools that participate in the learning through technology program under section 15689-A, subsection 12-A, which provides one-to-one wireless computers for 7th grade, 8th grade and high school students and educators.

The technical assistance must include, but is not limited to: