

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
EDUCATION AND CULTURAL AFFAIRS**

JULY 2000

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Sen. Robert E. Murray, Jr.

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ONE HUNDRED NINETEENTH LEGISLATURE
SECOND REGULAR SESSION

Summary Of Legislation Before The Joint Standing Committees
July 2000

We are pleased to provide this summary of bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing and select committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CON RES XXX*..... Chapter # of Constitutional Resolution passed by both Houses
- CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; bill died
- DIED BETWEEN BODIES*..... House & Senate disagree; bill died
- DIED IN CONCURRENCE*..... One body accepts ONTP report; the other indefinitely postpones the bill
- DIED ON ADJOURNMENT*..... Action incomplete when session ended; bill died
- EMERGENCY*..... Enacted law takes effect sooner than 90 days
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*..... Emergency bill failed to get 2/3 vote
- FAILED ENACTMENT/FINAL PASSAGE*..... Bill failed to get majority vote
- FAILED MANDATE ENACTMENT*..... Bill imposing local mandate failed to get 2/3 vote
- NOT PROPERLY BEFORE THE BODY*..... Ruled out of order by the presiding officers; bill died
- INDEF PP*..... Bill Indefinitely Postponed
- ONTP*..... Ought Not To Pass report accepted
- OTP ND*..... Committee report Ought To Pass In New Draft
- OTP ND/NT*..... Committee report Ought To Pass In New Draft/New Title
- P&S XXX*..... Chapter # of enacted Private & Special Law
- PUBLIC XXX*..... Chapter # of enacted Public Law
- RESOLVE XXX*..... Chapter # of finally passed Resolve
- UNSIGNED*..... Bill held by Governor
- VETO SUSTAINED*..... Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 11, 2000.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101 & 107

**An Act to Authorize School Administrative Units to Utilize
Alternative Delivery Methods for a Limited Range and Number of
School Construction Projects, Including the use of an Owner's
Representative for Certain School Construction Projects**

<u>Sponsor(s)</u> PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1036 CAMERON S-623
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LD 2311 proposed to clarify that the school construction method set out in the Maine Revised Statutes, Title 5, section 1743-A and Title 20-A, chapter 609 is the traditional, competitive “design-bid-build” method. It further proposed to provide for a 5-year pilot program for the use of design-build and construction-manager-at-risk methods. Generally, during the pilot program, all projects with total costs less than \$2,500,000 would be allowed to use either a design-build or construction-manager-at-risk method. Two projects in a school administrative unit that do not exceed \$10,000,000 in total cost would be allowed to use design-build methods, and 2 projects in a school administrative district that do not exceed \$10,000,000 or more in total costs would be allowed to use construction-manager-at-risk methods. All other school construction projects with total costs of \$10,000,000 or more would be required to employ a project manager.

Committee Amendment "A" (S-623) proposed to replace the bill and change the title of the bill. The amendment proposed to accomplish the following.

1. It proposed to add a mandate preamble to the bill.
2. It proposed to clarify that the school construction method set out in the Maine Revised Statutes, Title 5, section 1743-A and Title 20-A, chapter 609 is the traditional, competitive “design-bid-build” method.
3. It proposed to provide for a 5-year pilot program for use of design-build, construction-manager-advisor and construction-manager-at-risk methods and proposed to allow the use of an owner's representative for certain school construction projects.
4. It proposed to provide that, during the pilot program, 3 design-build and 3 construction-manager-advisor or construction-manager-at-risk projects with total costs less than \$2,500,000 would be allowed to use design-build, construction-manager-advisor or construction-manager-at-risk methods. Two projects in school administrative units that exceed \$2,500,000 in total project cost but do not exceed \$10,000,000 in total cost would be allowed to use the design-build method, and 2 projects in school administrative units that exceed \$2,500,000 in total project cost but do not exceed \$10,000,000 in total costs would be allowed to use the construction-manager-advisor or the construction-manager-at-risk method.
5. It proposed to provide during the 5-year pilot program period, that all other approved design-bid-build school construction projects with total costs of \$10,000,000 or more would be required to employ an owner's representative; and
6. It proposed to allow the Department of Education, in accordance to the provisions of the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A, to file the substantive rule for Chapter 64:

Maine School Facilities Finance Program and School Revolving Renovation Fund, as amended by Resolve 1999, chapter 14 (April 16, 1999) during the First Regular Session of the 119th Legislature.

The amendment also proposed to add a mandate preamble and fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-1036) is being presented on behalf of the Committee on Bills in the Second Reading and proposed to correct section 1 of the amendment to accurately reflect existing law regarding final adoption of a provisionally-adopted, major-substantive rule.

Enacted law summary

Private and Special Law 1999, chapter 79 provides for a 5-year pilot program for use of design-build, construction-manager-advisor and construction-manager-at-risk methods and requires the use of an owner's representative for school construction projects with total costs of \$10,000,000 or more during the 5-year pilot program period. The law also allows the Department of Education to file for the final adoption of the major substantive rule for Chapter 64: Maine School Facilities Finance Program and School Revolving Renovation Fund, as amended by Resolve 1999, chapter 14 during the First Regular Session of the 119th Legislature.

LD 2320

An Act to Increase the Bonding Limit of the Trustees of the City of Brewer High School District from \$2,500,000 to \$5,000,000

**P & S 65
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISHER RUHLIN	OTP	

LD 2320 increases the debt limit of the City of Brewer High School District from \$2,500,000 to \$5,000,000 subject to approval at referendum by the voters of the City of Brewer.

Enacted law summary

Private and Special Law 1999, chapter 65 increases the debt limit of the City of Brewer High School District from \$2,500,000 to \$5,000,000 subject to approval at referendum by the voters of the City of Brewer.

Private and Special Law 1999, Chapter 65 was enacted as an emergency measure effective March 14, 2000.