

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Education and Cultural Affairs*

August 2001

Members:

Sen. Betty Lou Mitchell, Chair

Sen. John M. Nutting

Sen. Margaret Rotundo

Rep. Shirley K. Richard, Chair

Rep. Mabel J. Desmond

Rep. James G. Skoglund

Rep. Elizabeth Watson

Rep. Stephen C. Estes

Rep. Glenn Cummings

Rep. Vaughn A. Stedman

Rep. Mary Black Andrews

Rep. Carol Weston

Rep. Mary Ellen Ledwin

Rep. Donald G. Soctomah

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**120th Legislature
First Regular Session**

**Summary Of Legislation Before The Joint Standing Committees
August 2001**

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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:

CARRIED OVER..... *Bill Carried Over to Second Regular Session*
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 First Regular Session (unless otherwise specified in a particular law) is **September 21, 2001**.

David E. Boulter, Director
Offices Located in the State House, Rooms 101/107/135

Joint Standing Committee on Education and Cultural Affairs

LD 1486 **An Act to Create the Child Development Services Advisory Committee** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER CATHCART		

LD 1486 proposes to establish a Child Development Services Advisory Committee to provide advice to the Department of Education concerning a comprehensive and collaborative early intervention system of services. The bill has been carried over to the Second Regular Session.

LD 1487 **Resolve, to Establish the Blue Ribbon Commission to Review Special Education Laws** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDOUGALL SMALL	OTP-AM	H-127

LD 1487 proposed to establish a Blue Ribbon Commission to Review Special Education Laws to report back to the Second Regular Session of the 120th Legislature.

Committee Amendment "A" (H-127) proposed to change the membership of the Blue Ribbon Commission to Review Special Education Laws by removing 2 Legislators and to add in their place a person who is a home school educator and a person who is a director of a special education program.

LD 1502 **An Act Regarding Contracts for Energy Conservation and Air Quality Improvements in School Buildings** **PUBLIC 376 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B RICHARD	OTP-AM	H-618 RICHARD S-225

LD 1502 proposed to codify the past policy and practice of the State Government and bond counsel with regard to performance contracts for energy conservation or air quality improvements at school administrative unit facilities. This bill proposed to clarify that a performance contract for energy conservation or air quality improvements at school administrative unit facilities is not subject to the specific statutory competitive bidding requirements if the contract meets certain criteria.

Committee Amendment "A" (S-225) proposed to rewrite the current law governing agreements by school units for energy conservation improvements with maintenance and performance guaranties to include combined energy conservation and air quality improvements. School units could select contractors by means of a request for qualifications or a request for proposals. The proposed selection process must be publicly advertised and at least 3

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firms must be interviewed unless a smaller number responds. The Department of Administrative and Financial Services, Bureau of General Services must approve the performance criteria that are proposed as the basis of the contractor's performance guaranty. It also proposed to add a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-618) proposed to add additional standards for request for qualifications and proposals for energy conservation and air quality improvements in school buildings intended to prevent bias or favoritism toward particular service providers.

Enacted law summary

Public Law 2001, chapter 376 codifies the past policy and practice of the State Government and bond counsel with regard to performance contracts for energy conservation or air quality improvements at school administrative unit facilities. The law clarifies that a performance contract for energy conservation, air quality improvements or combined energy conservation and air quality improvements at school administrative unit facilities is not subject to the specific statutory competitive bidding requirements if the contract meets certain criteria. The law also provides that school units may select contractors by means of a request for qualifications or a request for proposals; and further provides that the selection process must be publicly advertised, that at least 3 firms must be interviewed unless a smaller number responds and that a request for qualifications or proposals must meet certain standards intended to prevent bias or favoritism toward particular service providers. Finally, the law provides that the Department of Administrative and Financial Services, Bureau of General Services, must approve the performance criteria that are the basis of the contractor's performance guaranty.

Public Law 2001, chapter 376 was enacted as an emergency measure effective June 8, 2001.

LD 1531

An Act to Enable Formation of Public Charter Schools

**DIED BETWEEN
BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	ONTP MAJ	
SMALL	OTP-AM MIN	

LD 1531 proposed to allow certain educational bodies to approve the establishment of charter schools, a new type of public school, to be a part of the State's program of public education.

Committee Amendment "A" (H-654), which was the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to replace the bill and allow existing public schools to incorporate as public charter schools if the State Board of Education determined that the organization and operation of the school comply with the requirements for a charter school under federal law. The amendment would have allowed those schools to incorporate as a charter school and to apply to the United States Secretary of Education for federal grants to charter schools in the manner provided by federal law.

The amendment also proposed to require the State Board of Education to adopt major substantive rules establishing a process for the formation of public charter schools that are not affiliated with existing public schools for submission to the Legislature for consideration no later than February 15, 2002.