

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

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

July 2011

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125th Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Education and Cultural Affairs

LD 530 An Act To Allow Alternative Delivery Methods for Locally Funded School Construction Projects

P & S 17

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE BLISS	OTP-AM	H-613 S-325 LANGLEY

This bill authorizes the approval of 10 additional school construction projects by school administrative units seeking to use an alternative delivery method for a school construction project. Such a project must be locally funded, have a minimum total project cost of \$2,500,000 and have an executed contract between the school administrative unit and the project designer dated prior to October 1, 2016.

Committee Amendment "A" (H-613)

This amendment replaces the bill. The amendment repeals those provisions of Private and Special Law 1999, chapter 79 that authorized school administrative units to utilize alternative delivery methods for school construction projects and enacts the substantive provisions of that law into the statutes governing public improvement construction contracts. The amendment allows a school administrative unit to undertake a school construction project using the construction-manager-advisor method, the design-build method or the construction-manager-at-risk method for school construction projects that are locally funded and have a minimum total project cost of \$1,000,000.

Senate Amendment "A" To Committee Amendment "A" (S-325)

This amendment strikes Committee Amendment "A" and replaces it with the bill. It authorizes the approval of 10 additional school construction projects by school administrative units seeking to use an alternative delivery method for a school construction project. Such a project must be locally funded, have a minimum total project cost of \$2,500,000 and have an executed contract between the school administrative unit and the project designer dated prior to October 1, 2016.

Enacted Law Summary

Private and Special Law 2011, chapter 17 authorizes the approval of 10 additional school construction projects by school administrative units seeking to use an alternative delivery method for a school construction project. Such a project must be locally funded, have a minimum total project cost of \$2,500,000 and have an executed contract between the school administrative unit and the project designer dated prior to October 1, 2016.

LD 564 An Act Regarding Retention and Graduation Rates for Maine's Colleges and Universities

PUBLIC 232

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-144 ALFOND S-74

This bill requires all postsecondary institutions in the State, including institutions offering accredited postsecondary educational and degree programs on the Internet, to report annually to the Department of Education the retention rates of the students for each degree program and the graduation rates for students who complete two-year or

Joint Standing Committee on Education and Cultural Affairs

associate's degree programs in two, three or four years and for students who complete four-year or bachelor's degree programs in four, five or six years. This bill requires the Department of Education to report this information annually to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and publish the report on the department's publicly accessible website.

Committee Amendment "A" (S-74)

This amendment replaces the bill to clarify the requirements that all postsecondary educational institutions in the State provide institution-wide retention rates and graduation rates. The amendment also provides that the annual Department of Education report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs must include national comparisons of retention rates and graduation rates for peer institutions.

Senate Amendment "A" To Committee Amendment "A" (S-144)

This amendment clarifies that the information regarding retention and graduation rates must be compiled by the department using information that is already provided by postsecondary institutions.

Enacted Law Summary

Public Law 2011, chapter 232 requires the Department of Education to compile information provided by all postsecondary educational institutions in the State related to institution-wide retention rates and graduation rates. The law provides that the Department of Education provide an annual report, including national comparisons of retention rates and graduation rates for peer institutions, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. The law also provides that the department publish the report on the department's publicly accessible website.

LD 566 An Act To Encourage Transparency in the Department of Education

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-300 S-315 ALFOND

This bill requires the Department of Education to fully disclose its full budget and the true cost of all its programs and services.

Committee Amendment "A" (S-300)

This amendment proposes to clarify the reporting and public disclosure requirements of the bill pertaining to the disclosure by the Department of Education of its full budget and the true cost of all its programs and services. The amendment directs the Department of Education to review the November 3, 2010 Report to the Legislative Council on Maine Department of Education Program Funding, including the recommendation that the Legislature should consider requiring the department to provide performance-related data as part of the agency's biennial or supplemental budget request for General Fund appropriations. The amendment also directs the department to submit a report, including findings and recommendations on the costs and benefits of providing performance-related data to the Legislature as part of the department's budget request, no later than January 13, 2012 to the Joint Standing Committee on Education and Cultural Affairs. The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-315)

This amendment specifies that, in carrying out the reporting requirement required by this legislation, the Department of Education is to use data that are readily available to, and compiled by, the department. The amendment specifies