

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

required to submit a report, including the findings and recommendations from the work group, to the Joint Standing Committee on Education and Cultural Affairs by December 7, 2011, and the Joint Standing Committee on Education and Cultural Affairs is authorized to introduce legislation to the Second Regular Session of the 125th Legislature.

This amendment strikes out the "highly qualified" language of the resolve and replaces it with "appropriately and adequately prepared" to eliminate confusion with federal law. The amendment also includes the State Board of Education, along with the Department of Education, to share areas of responsibility.

Enacted Law Summary

Resolve 2011, chapter 47 requires the Department of Education and the State Board of Education to convene a work group to conduct a study to ensure that teachers and paraprofessionals who work with children with autism spectrum disorders are appropriately and adequately prepared. The work group is required to submit its recommendations to the department by November 1, 2011. The department and the State Board of Education is required to submit a report, including the findings and recommendations from the work group, to the Joint Standing Committee on Education and Cultural Affairs by December 7, 2011, and the Joint Standing Committee on Education and Cultural Affairs is authorized to introduce legislation to the Second Regular Session of the 125th Legislature.

Resolve 2011, chapter 47 was finally passed as an emergency measure effective May 23, 2011.

LD 758 Resolve, To Establish a Schoolchildren's Well-being Stakeholder Group ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOLAND PATRICK	ONTP	

This resolve requires the Department of Education and the Department of Health and Human Services to jointly convene a stakeholder group to identify options and alternatives to improve and maintain the nutritional well-being of schoolchildren. In particular, the focus of the stakeholder group will be to explore ways and make recommendations to address childhood behavioral disorders, attention deficit and attention deficit hyperactivity disorders, autism spectrum disorders and child obesity through nutritional strategies that include food choices and dietary supplementation. The departments are required to present the work of the stakeholder group to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services and may suggest legislation to the joint standing committees, which may each submit legislation to the Second Regular Session of the 125th Legislature.

LD 775 An Act To Clarify Special Education Reporting Requirements MAJORITY (ONTP) REPORT

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

This bill requires a school administrative unit to report legal disputes between a parent, surrogate parent or guardian of a child with a disability and the school administrative unit concerning a student's special education program to the Commissioner of Education. This bill requires the commissioner to track these reports and report annually to the joint standing committee of the Legislature having jurisdiction over education matters a summary of the reports received from school administrative units. This bill also requires school administrative units to maintain files on

Joint Standing Committee on Education and Cultural Affairs

each dispute.

**LD 776 An Act To Create a Fair Process for Energy Service Companies
Contracting with Maine Schools**

PUBLIC 279

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON D	OTP-AM	H-386

This bill removes provisions of law that allow school administrative units to use a process other than a competitive bid process in selecting energy service providers for the design, installation, operation, maintenance and financing of energy conservation or combined energy conservation and air quality improvements. This bill requires the Department of Administrative and Financial Services, Bureau of General Services to adopt by rule a model contract for these services.

Committee Amendment "A" (H-386)

This amendment replaces the bill. It retains a school administrative unit's authority to use a process other than a competitive bidding process for energy conservation agreements. It revises the current law to specify performance criteria to be addressed in an agreement and the process for soliciting requests for qualifications and requests for proposals and for selecting an energy services company.

Enacted Law Summary

Public Law 2011, chapter 279 revises the law pertaining to agreements for energy conservation improvements to:

1. Increase the maximum length of an agreement from 15 years to 20 years;
2. Define "energy services company" and use that term in the statute;
3. Increase the total contract cost allowed without going to competitive bidding from \$2,000,000 to \$2,500,000 and exclude private and federal grant funds from counting toward that maximum figure;
4. Prohibit a request for qualifications or a request for proposals from containing certain requirements that might exclude qualified energy services companies from competing;
5. Establish performance criteria that must be included in an agreement for energy services;
6. Establish a minimum time period for accepting responses to a request for qualifications or a request for proposals and a maximum period for responding to objections to the terms of a request; and
7. Require the Department of Administrative and Financial Services, Bureau of General Services and the Department of Education to provide guidance to school administrative units regarding these agreements.