

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

STAFF:

PHILLIP D. MCCARTHY, LEGISLATIVE ANALYST
CAROLYN RUSSO, LEGISLATIVE ANALYST
JILL IPPOLITI, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

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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

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.