

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1535

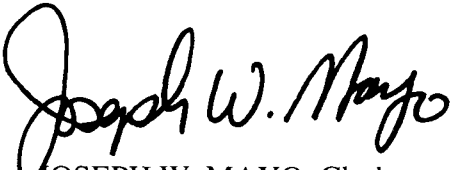
H.P. 1092

House of Representatives, May 18, 1995

**An Act Regarding School Construction in School Administrative District
No. 49.**

(EMERGENCY)

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Speaker GWADOSKY of Fairfield.
Cosponsored by Representatives: CHASE of China, JONES of Pittsfield, Senator: MILLS of Somerset.

2 **Emergency preamble. Whereas,** Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4

6 **Whereas,** Maine School Administrative District No. 49 is a
school unit duly organized and existing under the laws of the
State; and

8

10 **Whereas,** the Town of Fairfield is a municipal corporation
duly organized and existing under the laws of the State; and

12

14 **Whereas,** the Town of Fairfield was named as a beneficiary of
a bequest made by the will of Burt R. Williamson dated October
31, 1951; and

16

18 **Whereas,** the bequest, referred to as the "Williamson Fund,"
was made for the specific purpose of constructing a school
building and its equipment above the foundation; and

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22 **Whereas,** after the date Mr. Williamson executed his will,
the Town of Fairfield joined with the towns of Albion, Benton and
Clinton to form Maine School Administrative District No. 49; and

24

26 **Whereas,** the Superior Court, in an action brought by the
Town of Fairfield to construe Mr. Williamson's will, determined
that the Town of Fairfield has authority to expend sums from the
principal and accumulated interest for costs, including payment
of debt service, related to the erection of, or addition to, a
school building located in Fairfield to be owned, operated and
maintained by Maine School Administrative District No. 49; and

30

32 **Whereas,** certain of the constraints normally placed upon
school construction projects by statutory provisions operate in
this case to limit the flexibility of Maine School Administrative
District No. 49 to build an auditorium and supporting facilities
with money from the Williamson Fund at no cost to the taxpayers;
and

38

40 **Whereas,** fluctuating market conditions are favorable in the
immediate future to allow Maine School Administrative District
No. 49 to enter into a design-build construction contract or
other alternative construction arrangements for construction of
an auditorium and supporting facilities with money from the
Williamson Fund at no cost to the taxpayers; and

44

46 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
safety; now, therefore,

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2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. Authority to enter into alternative construction arrangements**
6 **to build auditorium and supporting facilities.** Subject to approval by
8 the voters of the towns comprising Maine School Administrative
10 District No. 49, the Board of Directors of Maine School
12 Administrative District No. 49 is authorized to enter into a
14 design-build contract or other alternative construction
16 arrangements for construction of a new auditorium and supporting
18 facilities to be located on the existing school lot on School
20 Street in the Town of Fairfield, which is the site of the
22 Lawrence Junior-Senior High School complex. Notwithstanding the
provisions of the Maine Revised Statutes, Title 20-A, sections
15903, 15905-A, 15908 and 15910, this project is not subject to
approval by the Commissioner of Education. This Act may not be
construed as waiving any building construction standards related
to health or safety that apply to school construction projects
and the State Fire Marshal's Office and the Department of Human
Services shall approve the plans and specifications for the
project.

24 The cost of this construction project is funded with money
26 from a local trust fund designated by the Town of Fairfield as
28 the Williamson Fund. There may be no increase in local taxes to
pay for the construction nor may the project receive any state
funds.

30 **Sec. 2. Two-year limit.** The authority conferred by this Act
32 expires if Maine School Administrative District No. 49 does not
34 enter into a design-build contract or other alternative
construction arrangements within 2 years of the effective date of
this Act.

36 **Sec. 3. Results of negotiations.** After negotiations are
38 complete, results of the negotiations must be submitted to the
voters at a referendum called for that purpose.

40 **Sec. 4. Operating costs exempted from state subsidy.** The annual
42 costs of operating the auditorium and supporting facilities will
44 be exempt from state subsidy. Maine School Administrative
District No. 49 is required to identify those costs to the
Department of Education and ensure that no subsidy is claimed for
the operating costs.

46 **Sec. 5. Emergency clause; referendum; effective date.** In view of
48 the emergency cited in the preamble, this Act takes effect when
50 approved only for the purpose of permitting Maine School
Administrative District No. 49 to negotiate, but not enter into,
a design-build contract or other alternative construction

2 arrangements and to submit a proposal for construction of an
auditorium and supporting facilities to the legal voters of Maine
4 School Administrative District No. 49 by referendum at a regular
or special district meeting. The referendum must be called,
6 advertised and conducted in accordance with the Maine Revised
Statutes, Title 20-A, sections 1351 to 1354 and section 15904.
8 The board of directors shall prepare the required ballots on
which the board of directors shall reduce the subject matter of
this Act to the following question:

10 "Do you favor authorizing the Board of Directors of Maine
12 School Administrative District No. 49 to negotiate a
design-build contract or other alternative construction
14 arrangements for construction of a new auditorium and
supporting facilities to be located on the existing school
16 lot on School Street in the Town of Fairfield?"

18 The voters shall indicate by a cross or a check mark placed
against the word "Yes" or "No" their opinion of the same.

20 This Act takes effect for all purposes after its acceptance
22 by a majority of the legal voters voting on the question.

24 **STATEMENT OF FACT**

26 This bill allows the Board of Directors of Maine School
28 Administrative District No. 49 to enter into a design-build
contract or other alternative construction for the construction
30 of a new auditorium and supporting facilities without approval by
the Commissioner of Education.