

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2002

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Legislative Document

No. 2048

S.P. 737

In Senate, January 4, 2002

**An Act to Authorize the Yarmouth School Department to use the  
Construction-Manager-at-Risk Method of Construction Delivery for  
Locally Funded School Projects.**

(AFTER DEADLINE)

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in cursive script that reads "Pamela L. Cahill".

PAMELA L. CAHILL  
Secretary of the Senate

Presented by Senator EDMONDS of Cumberland.  
Cosponsored by Representative BUCK of Yarmouth.

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,** at a referendum vote conducted on June 12, 2001,  
the voters of the Town of Yarmouth approved the issuance of  
locally funded general obligation securities of the Town of  
8           Yarmouth without state participation in an amount not to exceed  
\$20,543,000 for school facility improvements at the Rowe School,  
10          Yarmouth Elementary School and Yarmouth High School; and

12          **Whereas,** the Yarmouth High School portion of the project  
involves the construction of additions and renovations to the  
14          existing high school building that must be carefully phased to  
avoid disruption of education; and

16          **Whereas,** the improvements to the Rowe School involve the  
18          demolition of an existing building, possible removal of hazardous  
material from the site and new construction; and

20          **Whereas,** the Yarmouth School Department and its advisors  
22          have determined that it will be less disruptive to education,  
more efficient and more cost effective to employ the  
24          construction-manager-at-risk method of construction delivery  
rather than the design-bid-build method of construction delivery  
26          for these projects; and

28          **Whereas,** the Maine Revised Statutes, Title 5, section 1743-A  
and the pilot program established by Private and Special Law  
30          1999, chapter 79 do not permit the use of the  
construction-manager-at-risk method of construction delivery for  
32          school construction and renovation projects with a cost of more  
than \$10,000,000 even if they are locally funded; and

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

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

42                   **Sec. 1. Manager-at-risk method of construction.** Notwithstanding  
44          the Maine Revised Statutes, Title 5, section 1743-A and Private  
and Special Law 1999, chapter 79, the Yarmouth School Department  
46          is authorized to employ the construction-manager-at-risk method  
of construction delivery rather than the design-bid-build method  
48          of construction delivery for the school facility improvements at  
the Rowe School and Yarmouth High School that were authorized by

2 the voters of the Town of Yarmouth at a referendum conducted on  
3 June 12, 2001. The Yarmouth School Department shall use the  
4 procedures for selecting an architect or engineer established  
5 pursuant to Title 5, section 1742, subsection 6 and rules adopted  
6 pursuant to that subsection to select the construction manager at  
7 risk. The Yarmouth school facility improvements must be  
8 constructed in accordance with all other applicable requirements  
of the Maine Revised Statutes.

10 **Emergency clause.** In view of the emergency cited in the  
11 preamble, this Act takes effect when approved.  
12

### 14 SUMMARY

16 This bill authorizes the Yarmouth School Department to  
17 construct locally funded improvements to the Yarmouth High School  
18 and the Rowe School in the Town of Yarmouth by the  
19 construction-manager-at-risk method of construction delivery  
20 rather than the design-bid-build method of construction delivery.