

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 2113

H.P. 1505

House of Representatives, April 26, 2006

**An Act To Extend the Alternative Delivery Methods Pilot Program
for Certain School Construction Projects**

Reported by the Majority from the Joint Standing Committee on Education and Cultural Affairs pursuant to Private and Special Law 2001, chapter 54, section 3.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

2 **Sec. 1. P&SL 1999, c. 79, §9, last ¶**, as enacted by P&SL 2001, c. 54, §2, is
3 amended to read:

4 The 22 projects described in this section must be scheduled for completion by 2005,
5 the intent of this ~~law~~ section being the creation of a 5-year pilot or study program.

6 **Sec. 2. P&SL 1999, c. 79, §9-A** is enacted to read:

7 **Sec. 9-A. Additional eligible projects.** After May 1, 2006, no more than 10
8 projects may be approved under the provisions of this section. A school administrative
9 unit seeking to use an alternative delivery method for a school construction project
10 subject to approval under section 11 of this Act may employ any one of the following
11 methods in undertaking a school construction project that is locally funded, has a
12 minimum total project cost of \$2,500,000 and has an executed contract between the
13 school administrative unit and the project designer dated prior to August 1, 2009:

14 1. The construction-manager-advisor method;

15 2. The design-build method; and

16 3. The construction-manager-at-risk method.

17 **Sec. 3. P&SL 1999, c. 79, §12, 2nd ¶**, as enacted by P&SL 2001, c. 54, §3, is
18 amended to read:

19 The Commissioner of Education and the Commissioner of Administrative and
20 Financial Services shall establish an assessment team to assess the ~~5-year~~ pilot program
21 established under this Act. The assessment team evaluation must be conducted as follows.

22 **Sec. 4. P&SL 1999, c. 79, §12, sub-§3, first ¶**, as enacted by P&SL 2001, c. 54,
23 §3, is amended to read:

24 3. In analyzing the relative merits of the traditional method and the alternative
25 methods employed for school construction under this ~~5-year~~ pilot program, the
26 assessment team shall consider the following factors:

27 **Sec. 5. P&SL 1999, c. 79, §12, sub-§5** is enacted to read:

28 5. The assessment team must be reconvened no later than July 1, 2008 and shall
29 report the findings and recommendations from its assessment, including any
30 recommended legislation, to the joint standing committee of the Legislature having
31 jurisdiction over education and cultural affairs no later than December 12, 2008. The joint
32 standing committee of the Legislature having jurisdiction over education and cultural
33 affairs may report out a bill to the First Regular Session of the 124th Legislature to
34 implement the recommendations of the assessment team.

35 **Sec. 6. Retroactivity.** This Act applies retroactively to May 1, 2006.

36 **SUMMARY**

37 This bill is reported out by the Joint Standing Committee on Education and Cultural
38 Affairs pursuant to Private and Special Law 2001, chapter 54, section 3. The bill extends

1 the pilot program for using alternative delivery methods for school construction by
2 authorizing an additional 10 school construction projects. The additional projects must
3 be locally funded school construction projects, must have a minimum total project cost of
4 \$2,500,000 and must have an executed contract between the school administrative unit
5 and the project designer dated prior to August 1, 2009.

6 The bill also directs the assessment team to review these additional projects and
7 report its findings and recommendations on the pilot project no later than December 12,
8 2008 to the joint standing committee of the Legislature having jurisdiction over education
9 and cultural affairs. The joint standing committee of the Legislature having jurisdiction
10 over education and cultural affairs may report out a bill to the First Regular Session of the
11 124th Legislature to implement the recommendations of the assessment team.

12 **FISCAL NOTE REQUIRED**

13 **(See attached)**



122nd MAINE LEGISLATURE

LD 2113

LR 3281(01)

An Act to Extend the Alternative Delivery Methods Pilot Program for Certain School Construction Projects

Fiscal Note for Original Bill

Sponsor: Committee Bill

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Since the 10 additional school construction projects authorized under the extension of the pilot program for using alternative delivery methods for school construction are required to be locally funded projects, there is no direct fiscal impact to the State.

Additional costs to the Department of Administrative and Financial Services, Bureau of General Services, the Department of Education and the State Board of Education to serve on the assessment team can be absorbed within existing budgeted resources.