

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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nor from a list, containing at least 5 times as many names as the number of persons to be chosen, supplied at least once a year by the Maine Labor Relations Board. Vacancies occurring during a term shall be filled for the unexpired term. Members of the panel shall each receive \$75 \$100 a day beginning July 1, 1988, for their services for the time actually employed in the discharge of their official duties and shall also receive their traveling and all other necessary expenses. The costs for services rendered and expenses incurred by members of the panel of mediators shall be paid by the State for those mediation cases not exceeding 3 days in length from an appropriation for ~~said~~ the panel which shall be included in the budget of the Public Employees Labor Relations Board. Any costs for services rendered and expenses incurred by the panel of mediators beyond the 3rd mediation day per case shall be shared equally by the parties to the proceedings, except that on a showing by either party that ~~such~~ the payment would impose undue financial hardship, the executive director may waive all or part of ~~such~~ the obligation. ~~Such~~ The amount waived shall be paid from the above-mentioned appropriation. Authorization for services rendered and expenditures incurred by members of the panel shall be the responsibility of the Executive Director of the Maine Labor Relations Board.

**Sec. 3. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89

LABOR, DEPARTMENT OF

Maine Labor Relations Board

Personal Services \$5,000

**Sec. 4. Effective date.** This Act shall take effect January 1, 1988.

Effective January 1, 1988.

## CHAPTER 469

H.P. 498 — L.D. 668

### AN ACT to Revise the Percent for Art Act in Public Buildings.

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

**Sec. 1.** 27 MRSA §451, as enacted by PL 1979, c. 525, is amended to read:

§451. Purpose

Recognizing the need to enhance culture and the arts and to encourage the development of artists, it is the intent of the Legislature to establish a program to provide

funds for and authorize the acquisition of works of art for certain public buildings and ~~other~~ public facilities.

**Sec. 2.** 27 MRSA §452, sub-§3-A is enacted to read:

3-A. Construction. "Construction" means the construction or renovation of a public building or public facility, the cost of which is at least \$100,000, but does not include repairs or minor alterations. In their rulemaking and decisions regarding construction projects governed by this Act, the commission shall be guided by the determinations of the Director of the Bureau of Public Improvements.

**Sec. 3.** 27 MRSA §452, sub-§4, ~~¶A~~, as enacted by PL 1979, c. 525, is amended to read:

A. "Contracting agency" means the agency of State Government to which funds have been appropriated or allocated by the Legislature for the construction of any public building or other public facility. In the case of school construction projects, the contracting agency shall be the governance body of the ~~local~~ school administrative unit.

**Sec. 4.** 27 MRSA §452, sub-§5, as enacted by PL 1979, c. 525, is repealed and the following enacted in its place:

5. Public building or public facility. "Public building" or "public facility" means any building or facility which is to be constructed in part or totally with funds from any source appropriated or allocated by the Legislature, including any school construction project approved for state funding by the State Board of Education, and which is intended for the use of the general public.

A. If only part or parts of the building or facility are for the use of the public, "public building" or "public facility" includes only that part or those parts designed for the use of the public. The method of cost allocation to the identifiable part or parts shall be determined by a generally accepted method of cost allocation, provided that the allocated cost for that part or those parts shall exceed \$100,000.

B. "Public building" or "public facility" does not include highways, sheds, warehouses, buildings of a temporary nature.

C. A school construction project or any building or facility which is part of the project is subject to this Act only upon the affirmative vote of the school board of the school administrative unit.

**Sec. 5.** 27 MRSA §452, sub-§5-A is enacted to read:

5-A. School construction project. "School construction project" means a project as defined in Title 20-A, section 15901, subsection 4.

**Sec. 6.** 27 MRSA §452, sub-§6, as enacted by PL

1979, c. 525, is amended to read:

6. Works of art. "Works of art" mean any of the following original creations of visual art:

- A. ~~Sculpture, including in the round, bas-relief, high relief, mobil fountain, kinetic, electronic, in any material or combination of materials;~~
- B. ~~Painting, all media including portable and permanently affixed works such as murals;~~
- C. Graphic arts, printmaking and drawing;
- D. ~~Mosaics;~~
- E. Photography;
- F. Crafts in clay, fiber and textiles, wood, metal, plastics and other materials; and
- G. ~~Calligraphy; and~~
- H. Mixed media, any combination of forms or media, including collage.

Sec. 7. 27 MRSA §453, sub-§1, as enacted by PL 1979, c. 525, is repealed and the following enacted in its place:

1. Amount; gifts and donations. Any contracting agency, except a school administrative unit, shall expend out of any money appropriated or allocated by the Legislature for the construction of any public building or facility a minimum amount of 1% of the construction of the appropriation or allocation, for the purpose of acquiring, transporting and installing works of art. School units which have decided to participate in the Percent for Art Program shall expend a minimum amount of 1% of the cost of the eligible school construction project or of any building or facility which is part of an eligible project or \$25,000, whichever is less.

Donations and gifts to the contracting agency may be used to offset the minimum amount identified in this subsection. The value of works of art received as a donation or a gift shall be determined by the commission.

Sec. 8. 27 MRSA §458, sub-§§2 and 3, as enacted by PL 1979, c. 525, are amended to read:

2. Standards. Standards for the artist and works of art which may be eligible for selection; ~~and~~

3. Contract procedures. Procedures for contracting with artists for works of art and with architects for services relating to the planning for the acquisition of works of art: ; and

Sec. 9. 27 MRSA §458, sub-§4 is enacted to read:

4. Administrative costs. Administrative costs as-

sociated with the acquisition of works of art which are eligible to be included as part of the amount allocated in section 453, subsection 1.

Sec. 10. 27 MRSA §459, as enacted by PL 1979, c. 525, is amended to read:

§459. Administrative costs

Any Eligible administrative costs incurred by the contracting agency or the architect which are associated with the acquisition of works of art shall be included as part of the amount allocated to section 453, subsection 1, for works of art.

Sec. 11. Sunset. This Act shall sunset 3 years from the effective date of this Act.

Effective September 29, 1987.

## CHAPTER 470

H.P. 733 — L.D. 985

### AN ACT Creating the St. Croix International Waterway Commission.

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

Sec. 1. 5 MRSA §12004, sub-§8, ¶A, sub-¶(9-A) is enacted to read:

(9-A)	<u>Environment /Natural Resources</u>	<u>St. Croix In- ternational Waterway Commission</u>	<u>Legislative per diem and ex- penses</u>	<u>38 MRSA §991</u>
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Sec. 2. 38 MRSA c. 8 is enacted to read:

### CHAPTER 8

#### ST. CROIX INTERNATIONAL WATERWAY COMMISSION

§991. Findings and purpose

The Legislature finds that the St. Croix River for its entire length, including Grand Lake and Spednick Lake, forms a common international boundary between the United States and Canada; and that the management of the waterway and the use of adjacent lands is of special concern to the State and the Province of New Brunswick.

The Legislature finds that the State shares an important cultural, social and economic heritage with the Province of New Brunswick, that northern and eastern Maine's economies are interdependent with that of the Province of New Brunswick and that careful efforts to promote tourism and development can have shared benefits for citizens of both regions.