

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

**THIRD SPECIAL SESSION**

September 15, 1988 to September 16, 1988

and the

**FOURTH SPECIAL SESSION**

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

**FIRST REGULAR SESSION**

December 3, 1986 to June 30, 1987

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

**THIRD SPECIAL SESSION**

September 15, 1988 to September 16, 1988

and the

**FOURTH SPECIAL SESSION**

November 28, 1988

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Twin City Printery  
Lewiston, Maine  
1989

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**RESOLVES**

OF THE

**STATE OF MAINE**

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

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Personal Services	\$ 550	\$ 1,100
All Other	1,400	6,650
Total	<u>\$1,950</u>	<u>\$7,750</u>

Provides funds for 8 meetings of the commission, including per diem and expenses for Legislators and expenses for nonlegislative members; one public hearing; and a report.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve shall take effect when approved.

Effective April 27, 1988.

## CHAPTER 107

H.P. 130 — L.D. 159

### Resolve, Concerning a Proposed Supreme Judicial Court Facility.

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

Whereas, it is desired to have the Supreme Judicial Court located in its own building in the state capital in Augusta; and

Whereas, it is desired to begin to receive the benefits of such a move at the earliest possible time; and

Whereas, it is desired that an expense of this magnitude be presented to the voters of the State; and

Whereas, a court planner is necessary to develop a building program from which a definitive cost estimate and architectural design can be developed; and

Whereas, it is desired to select the design of the building through a major design competition; and

Whereas, a commission is necessary to oversee planning and design of the new Supreme Judicial Court facility; and

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, be it

**Supreme Judicial Court to be located in Augusta. Resolved:** That at the earliest possible time a building of prestige and dignity which is compatible with the Capitol and Capitol Park shall be constructed within the City of Augusta, except that the building shall not be located on any site within state-owned Capitol Park. This building shall house the courtroom for the

Supreme Judicial Court; chambers for all justices of the Supreme Judicial Court, the Chief Justice of the Superior Court and the Chief Judge of the District Court; space for the Administrative Office of the Courts; and a working law library. In determining the library needs, consideration shall be given to the existence of the Law and Legislative Reference Library in the capitol building; and be it further

**Project program; planning. Resolved:** That work on a project program for the construction of a Supreme Judicial Court in Augusta shall be initiated as soon as possible after the passage of this resolve by a nationally recognized court planner. This planner shall be required to have available in sufficient time to be included in legislation presented to the First Regular Session of the 114th Legislature a cost estimate of sufficient accuracy as to be suitable for a request for funding to cover completely all aspects of the construction of this court facility including adequate parking facilities; and be it further

**Design competition. Resolved:** That selection of the design for the construction of this court facility shall be by means of a 2-stage design competition with no geographic limitation as to entrants. There shall be affiliated with this design competition in some manner an architect of national stature, as determined by the Supreme Judicial Court Plan and Design Commission. The design competition shall be judged by a subcommittee of 3, 5 or 7 members under the auspices of the commission. The competition shall be planned, organized and administered by the court planner or by some other knowledgeable expert under the auspices of the Supreme Judicial Court Plan and Design Commission.

All preparation for the design competition that does not require funding shall be completed by November 1989. No funding may be expended for the design competition until the bond issue approving funds for the construction of the court facility is ratified by the voters; and be it further

**Commission established. Resolved:** That there is established the Supreme Judicial Court Plan and Design Commission.

**1. Membership.** The commission shall consist of 15 members to be appointed as follows: One member of the Senate appointed by the President of the Senate; one member of the House of Representatives to be appointed by the Speaker of the House of Representatives; one member appointed by the Chief Justice of the Supreme Judicial Court; 6 members to be appointed by the Governor as follows: One of whom shall be a representative of the Garden Club Federation of Maine or the Kennebec Valley Garden Club selected with the advice of those organizations, one of whom shall be a licensed architect selected with the advice of the Maine Chapter of the American Institute of Architects, one of whom shall be a building contractor selected with the advice of Associated General Contractors, one of whom shall be a landscape

architect selected with the advice of the Maine Chapter of the American Society of Landscape Architects, one of whom shall be a scholar in an architecturally related discipline selected with the advice of Maine's colleges and universities and one of whom shall be a member of the public; one member of the Capitol Planning Commission appointed by the chairman of that commission; one member of the Maine Arts Commission appointed by the chairman of that commission; one representative of the City of Augusta to be appointed by that city's mayor; one member of the Maine Trial Lawyers Association to be appointed by that group; one member of the Maine Bar Association to be appointed by that group; and one architectural critic from a state newspaper or magazine selected by the Maine Arts Commission. All appointments shall be made no later than 30 days following the effective date of this resolve. The Executive Director of the Legislative Council shall be notified by all appointing authorities once their selections have been finalized. The chairman of the Legislative Council shall call the first meeting of the commission.

The committee shall select a chairman from among its members.

2. Duties of the commission. The duties of the commission shall be as follows:

- A. Oversee the work of the court planner;
- B. Present to the First Regular Session of the 114th Legislature a report containing a recommendation on a site within the City of Augusta for the proposed court facility and the construction cost estimate of the court planner. The report shall include legislation necessary to fund construction of the court facility through a bond issue approved by voter referendum and to request a General Fund appropriation for a court facility design competition; and
- C. Set up a jury to oversee and evaluate the design competition. This jury may be completely composed of members of the commission and only one member shall not be a member of the commission. The majority of the members of the jury shall be from an architecturally related profession.

3. Report. In addition to other reports required in this section, the commission shall report to the Legislature at the completion of each stage of the design competition and before the initiation of construction.

4. Assistance. Assistance from the legislative staff shall be requested from the Legislative Council.

5. Compensation. The members of the commission shall receive no compensation, but shall be reimbursed for all necessary expenses; and be it further

**Appropriation. Resolved:** The following funds are appropriated from the General Fund to carry out the purposes of this resolve.

<u>1988-89</u>	
<u>JUDICIAL DEPARTMENT</u>	
Courts — Supreme, Superior, District and Administrative	
All Other	\$130,000
Provides funds to contract with a Court Planner to provide assistance to the Supreme Judicial Court Plan and Design Commission. Specific responsibilities shall include the development of a "program" for the proposed court facility and a final cost estimate. These funds shall not lapse, but shall remain in this account until expended for the purposes described above.	
Total	<u>\$130,000</u>

<u>LEGISLATURE</u>	
Supreme Judicial Court Plan and Design Commission	
All Other	\$ 10,000
Provides funds for the meeting, advertising and report printing costs of the commission. These funds shall not lapse, but remain in this account until expended for the purposes described.	
Total	<u>\$ 10,000</u>

TOTAL APPROPRIATIONS \$140,000

**Emergency clause.** In view of the emergency cited in the preamble, this resolve shall take effect when approved.

Effective April 28, 1988.

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## CHAPTER 108

S.P. 862 — L.D. 2250

### RESOLVE, to Compensate Kenneth and Janice Demuth.

**Kenneth and Janice Demuth; compensated by the State. Resolved:** That the Governor of the State of Maine is authorized and directed, upon receipt of necessary releases, to pay to Kenneth and Janice Demuth the sum of \$125,000 from funds to be appropriated by the Maine State Legislature as compensation for the injury sustained by Kenneth Demuth on May 13, 1986. Total compensation authorized by this resolve is \$125,000 which is in full satisfaction of any and all claims by Kenneth and Janice Demuth against the State and its employees for the injury which Kenneth Demuth sustained on May 13, 1986; and be it further

**Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.