

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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

J.S. McCarthy Company
Augusta, Maine
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

B. The rate of reimbursement per student may not exceed the state average tuition rates in effect during the year of placement as computed under sections 5804 and 5805. The tuition rates will be computed based on the state average secondary tuition rate and may be adjusted if the program is approved to operate beyond the 180-day school year.

C. The funds for the adjustment must be limited to the amount appropriated by the Legislature for that purpose.

Sec. 9. 20-A MRSA §15905, sub-§1, ¶A, as repealed and replaced by PL 1987, c. 803, §§1 and 5, is amended to read:

A. The state board may approve projects as long as no project approval will cause debt service costs, as defined in section 15603, subsection 8, paragraphs A and D, to exceed the maximum limits specified in Table 1 in subsequent fiscal years.

Table 1

Fiscal year	Maximum Debt Service Limit
1990	\$48,000,000
1991	\$57,000,000
1992	\$63,000,000 \$65,000,000
1993	<u>\$67,000,000</u>
1994	<u>\$67,000,000</u>

Sec. 10. 20-A MRSA §15905, sub-§4, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

4. Rules. The state board may adopt or amend rules relating to the approval of school construction projects.

The state board is encouraged to review school construction rules regarding costs per square foot, consider other measures for containing building costs and report on these efforts to the joint standing committee of the Legislature having jurisdiction over education matters during the First Regular Session of the 115th Legislature.

See title page for effective date.

CHAPTER 912

S.P. 834 - L.D. 2142

An Act to Amend the Percent for Art Act

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

Sec. 1. 27 MRSA §451 as amended by PL 1987, c. 469, §§1 and 11, is further 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~~ the Percent for Art Program to provide funds for and authorize the acquisition of works of art for certain public buildings and public facilities.

Sec. 2. 27 MRSA §452, sub-§2, as enacted by PL 1979, c. 525, is amended to read:

2. Artist. "Artist" means a practitioner in the ~~visual~~ arts, generally recognized as a professional by critics and his peers ~~as a professional~~, who produces works of art and who is not the architect or ~~a member~~ an employee of the ~~architectural~~ architectural firm retained by the contracting agency.

Sec. 3. 27 MRSA §452, sub-§6, as amended by PL 1987, c. 469, §§6, 11, is further amended to read:

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

- A. Sculpture in any material or combination of materials;
- B. Painting;
- C. Graphic arts, printmaking and drawing;
- E. Photography, video or electronic media;
- F. Crafts in clay, fiber and textiles, wood, metal, plastics and other materials; and
- H. Mixed or conceptual media, or any combination of forms or media, including collage.

Sec. 4. 27 MRSA §453, sub-§1, as repealed and replaced by PL 1987, c. 469, §§7 and 11, is amended to read:

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, except for correctional facilities, a minimum amount of 1% of the construction portion 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 that~~ is part of an eligible project or ~~\$25,000~~ \$40,000, 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. 5. 27 MRSA §455, as enacted by PL 1979, c. 525, is amended to read:

§455. Determination of amount for acquisition of art

The commission, in consultation with the Bureau of Public Improvements, the Bureau of School Management, the Office of Facilities within the University of Maine System or the Maine Technical College System, whichever has budgetary authority over the project, shall determine, ~~in consultation with the contracting agency~~, the minimum amount to be made available for the purchase of art for each public building or facility.

Sec. 6. 27 MRSA §457, as enacted by PL 1979, c. 525, is repealed and the following enacted in its place:

§457. Duties of commission

The commission shall:

1. Consult. Consult with the architect and contracting agency about any administrative costs or design services required in connection with the selection of works of art;

2. Procedures for participation of architect. Advise the Bureau of Public Improvements, the Bureau of School Management, the Office of Facilities within the University of Maine System and the Maine Technical College System concerning procedures for participation and compensation of the architect in connection with the acquisition of works of art under this chapter;

3. Contracting agency. Advise the contracting agency;

4. Selection. Approve the process used by the contracting agency in selection of the artist or works of art. If the commission does not approve the process used to select the artist or works of art, then the contracting agency shall use another selection process in accordance with the procedure authorized in section 456, subsection 4;

5. Acquisition of art. Review the design, execution, placement and acceptance of any works of art that are, or are intended to be, acquired under this chapter; and

6. Standards for maintenance. Adopt standards for the maintenance, conservation, relocation and transfer of ownership of works of art acquired under this chapter.

Sec. 7. 27 MRSA §458, sub-§2-A is enacted to read:

2-A. Maintenance. Standards for the maintenance, conservation, relocation and transfer of ownership of works of art acquired under this chapter;

Sec. 8. 27 MRSA §458, sub-§3, as amended by PL 1987, c. 469, §§8 and 11, is further amended to read:

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 §459, as amended by PL 1987, c. 469, §§10 and 11, is further amended to read:

§459. Administrative costs

Eligible administrative costs incurred by the contracting agency ~~or the architect which~~ that 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. 10. PL 1987, c. 469, §11 is repealed.

See title page for effective date.

CHAPTER 913

H.P. 1621 - L.D. 2243

An Act to Amend Certain Provisions of the Fish and Wildlife Laws

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

Whereas, confusion exists as to the application of certain laws administered by the Department of Inland Fisheries and Wildlife; and

Whereas, this confusion poses difficulties for the sporting public and those charged with enforcement of these laws; and

Whereas, it is vitally necessary that this confusion be resolved to prevent any injustice or hardship to the hunters, anglers, trappers and recreational vehicle owners of Maine; 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 enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 12 MRSA §7034, sub-§4, as amended by PL 1985, c. 785, Pt. B, §70, is further amended to read: