

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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
1993

by the task force may not discriminate among fuel types.

Sec. 4. Allocation. The following funds are allocated from the Exxon Fund to carry out the purposes of this Act.

1994-95

**ECONOMIC AND
COMMUNITY
DEVELOPMENT,
DEPARTMENT OF**

Energy Resources Exxon Fund

All Other	\$5,000
Provides for the allocation of funds for the expenses of a task force to study a home energy rating system and energy efficiency mortgages.	

See title page for effective date.

CHAPTER 606

H.P. 1107 - L.D. 1494

An Act to Require the Utilization of an Owner's Representative on State Government Construction Contracts

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

Sec. 1. 5 MRSA §1751, as amended by PL 1993, c. 339, §1, is further amended to read:

§1751. Employment of a clerk-of-the-works

A clerk-of-the-works must be employed to assist in the inspection of the construction of a public improvement when directed by the director. The clerk shall report directly to the professional architect-engineer of record for the project. In addition, the clerk shall provide a report of all correspondence sent or received by the clerk to the owner. The budget for the public improvement must include funding for the clerk. The clerk must be hired through an open advertising and interview process by the owner and the architect-engineer. The clerk candidate recommended by the architect-engineer is subject to approval by both the owner and the director before being hired. The architect-engineer may terminate or impose disciplinary action on the clerk after consulta-

tion with the owner. The clerk must possess qualifications of education and experience in construction technology and administration compatible with the needs of the public improvement. The director may adopt rules relative to this section.

Sec. 2. 5 MRSA §1753 is enacted to read:

§1753. Employment of owner's representative

An owner's representative may be employed to facilitate the construction of a school project under Title 20-A, chapter 609. For purposes of this section, "owner" means the school building committee.

1. Representative's relationship to owner.

The owner's representative may be an employee of the Bureau of General Services, an employee of the owner or an independent contractor. The owner's representative's responsibility is to act as an advisor to the owner. It is the responsibility of the owner's representative to facilitate open communications among all parties, to help to avoid adversarial interactions and to promote a sense of trust and teamwork in order to accomplish the smooth execution of the project and to see that the project is completed at the lowest possible cost and highest degree of quality and workmanship that are consistent with the plans and specifications for the project.

2. Owner's representative qualifications.

The owner's representative must be hired by the owner through an open advertising and interview process and is subject to final approval by the Director of the Bureau of General Services.

3. Representative's responsibilities.

The responsibilities of the owner's representative are, without limitation, to:

A. Prepare for and attend meetings with the owner or a committee representing the owner, prepare minutes of those meetings, maintain a noncommercial history of the building project, submit comments on the budget for the project and maintain project files;

B. Provide guidance to the owner in the selection of an architect or an engineer in accordance with the architect and engineering services procurement process as administered by the Bureau of General Services;

C. Attend a preplanning orientation with the owner, architect and engineer;

D. Attend and participate in meetings with the owner, architect and engineer concerning space requirements, design considerations, cost-containment strategies, energy efficiency considerations, any special requirements and also the

review of schematic designs and preliminary and final plans;

E. Assist the owner in securing the necessary governmental permits or approvals;

F. Assist the owner in reviewing bid responses;

G. Assist the owner in contract negotiations; and

H. Meet with the owner regularly to review and discuss project progress.

The owner may expand or reduce the scope of the owner's representative's responsibilities through a contract, so long as that contract conforms to the overall relationship established in subsection 1.

4. Owner's representative an allowable cost.

For purposes of this section, the owner's representative is a subsidizable cost eligible for subsidy in accordance with Title 20-A, sections 15603 and 15901, only if the local unit pays 50% of the costs of the employment of an owner's representative.

5. Report required. A school unit employing an owner's representative under this section shall provide a report to the Bureau of General Services describing the effectiveness of an owner's representative to a project and the recommendations for continuation or discontinuation beyond the date of repeal of this section. The Bureau of General Services shall provide the joint standing committee of the Legislature having jurisdiction over state and local government matters with an annual report on the employment of an owner's representative, including the written comments from each school unit that has chosen to employ an owner's representative under this section.

6. Sunset. This section is repealed on July 1, 1998. In its final report, the Bureau of General Services shall provide its recommendations to the Legislature concerning the need for extending authorization for this section no later than March 1, 1998.

See title page for effective date.

CHAPTER 607

S.P. 488 - L.D. 1499

**An Act to Expedite the Establishment
of Administrative Child
Support Orders**

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

Sec. 1. 19 MRSA §320, sub-§§1 to 3, as enacted by PL 1991, c. 840, §5, are amended to read:

1. Support obligations. In all cases in which the department is responsible for enforcement of a support obligation assigned to the department under section 512, the department shall review, for compliance with the State's child support guidelines pursuant to this subchapter, child support obligations established by orders issued by the courts of this State or by administrative decisions issued by the department ~~pursuant to section 498~~. Reviews of child support orders in which the current support obligation is assigned to the department must occur no less often than every 3 years, except as provided by rule.

2. Request for support order reviews. In cases in which the department provides services pursuant to section 448-A and in which a child support obligation was established by an order issued by a court of this State or by an administrative decision issued by the department ~~pursuant to section 498-A~~, an obligor or an obligee may request the department to review the support order for compliance with the State's child support guidelines pursuant to this subchapter. In cases in which a support obligation is not assigned to the department under section 512 and the department does not provide services pursuant to section 448-A, a request to review a support order is made by applying to the department for child support services and indicating on the application for services a desire to have a child support order reviewed.

3. Administrative order modification; support modification. Following a review of an administrative child support order, the department may take action to modify the administrative order pursuant to section 498 ~~497-A~~ or ~~498-A~~ ~~497-B~~. Following a review of a court order of child support, the department may file a motion to modify support pursuant to section 319.

Sec. 2. 19 MRSA §492-A, sub-§3, as enacted by PL 1985, c. 652, §20, is amended to read:

3. Personal service. Service of any notice sent pursuant to section 498 ~~497-A~~ or ~~498-A~~ ~~497-B~~ upon any person who is subject to the jurisdiction of this subchapter, as provided in this section, ~~shall~~ must be made by personally serving the notice upon the responsible parent outside this State, with the same force and effect as though it had been served personally within this State. Service of any other notice or lien provided for in this subchapter upon any person who is subject to the jurisdiction of this subchapter, as provided in this section, ~~shall be~~ is governed by section 494.

Sec. 3. 19 MRSA §493, sub-§2-A is enacted to read: