

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

Any person aggrieved by the determination of the damages awarded to owners of property or interest in the property under this section may, within 60 days after service of the condemnation order and check, appeal to the Superior Court of York County. The court shall determine damages by a verdict of its jury or, if all parties agree, by the court without a jury or by a referee or referees and shall render judgment for just compensation, with interest when interest is due, and for costs in favor of the party entitled to costs. Appeal from the decision of the Superior Court may be had to the Law Court as in other civil actions.

If the district acquires the plants, properties, franchises, rights and privileges owned by the Alfred Water Company, the district assumes and becomes responsible for all debts and liabilities of that company.

Sec. 7. Emergency clause; referendum; effective date. In view of the emergency cited in the preamble, this Act takes effect when approved only for the purpose of permitting its submission to the legal voters within the territory described in section 1 of this Act at an election called for that purpose and held by December 31, 2000. The election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the clerk to post a new list of voters. For the purpose of registration of voters, the registrar of voters must be in session the secular day preceding the election. The subject matter of this Act is reduced to the following question:

"Do you favor creating the Alfred Water District?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same.

The results must be declared by the municipal officers of the Town of Alfred and due certificate of the results filed by the clerk with the Secretary of State.

This Act takes effect for all purposes immediately upon its approval by a majority of the legal voters voting at the election. Failure to achieve the necessary approval in any referendum does not prohibit subsequent referenda consistent with this section, provided the referenda are held prior to July 1, 2001.

Effective pending referendum.

CHAPTER 78

H.P. 1708 - L.D. 2414

**An Act to Support and Expand the
Maine Writing Project**

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

Sec. 1. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

**UNIVERSITY OF MAINE
SYSTEM, BOARD OF
TRUSTEES OF THE**

**Educational and General
Activities -University of Maine
System**

All Other \$5,000

Provides funds to support the Maine Writing Project and to expand the project to teachers in diverse geographic and curriculum areas. This amount must be supplemented by funds provided by the University of Maine System in the amount of \$4,500 in fiscal year 2000-01 in the form of scholarships for teachers in the Maine Writing Project.

**BOARD OF
TRUSTEES OF THE
UNIVERSITY OF
MAINE SYSTEM**

TOTAL \$5,000

**EDUCATION,
DEPARTMENT OF**

Professional Development

All Other (\$5,000)

Deappropriates funds in order to provide additional funds to support the Maine Writing Project.

DEPARTMENT OF EDUCATION	
TOTAL	(\$5,000)
TOTAL APPROPRIATION	\$0

See title page for effective date.

CHAPTER 79

S.P. 892 - L.D. 2311

**An Act to Authorize School
Administrative Units to Utilize
Alternative Delivery Methods for a
Limited Range and Number of
School Construction Projects,
Including the use of an Owner's
Representative for Certain School
Construction Projects**

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. Resolve 1999, c. 14, §1, first ¶ is amended to read:

Sec. 1. Adoption. Resolved: That, notwithstanding the deadlines for adoption set forth in the Maine Revised Statutes, Title 5, section 8072, subsection 8 and section 8073, final adoption of Chapter 64: Maine School Facilities Finance Program and School Revolving Renovation Fund, a provisionally adopted major substantive rule of the Department of Education, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized with the following amendments.

; and be it further

Sec. 2. Resolve 1999, c. 14, §2 is enacted to read:

Sec. 2. Effective date of rule; retroactivity. Resolved: That notwithstanding the Maine Revised Statutes, Title 5, section 8072, subsection 8, upon final adoption by the Department of Education of Chapter 64: Maine School Facilities Finance Program

and School Revolving Renovation Fund, that rule takes effect immediately and applies retroactively to April 16, 1999.

Sec. 3. Alternative delivery methods authorized. A school administrative unit may use design-build, construction-manager-advisor and construction-manager-at-risk methods of construction and the services of an owner's representative under the terms and conditions of this Act.

Sec. 4. Design-build method. The design-build method must generally follow those guidelines developed by the Design-Build Institute of America or by the American Institute of Architects / Association of General Contractors or a combined or modified version of one or both of those entities with the final design-build procedures and documents to be determined at the sole discretion of the Department of Administrative and Financial Services, Bureau of General Services.

Sec. 5. Construction-manager-at-risk method. The construction-manager-at-risk method must generally follow the format of "Standard Form of Agreement Between Owner and Construction Manager where the Construction Manager is also the Constructor," American Institute of Architects Document A121/CMc and Association of General Contractors Document 565(1991 Edition).

Sec. 6. Construction-manager-advisor method. The construction-manager-advisor method, sometimes referred to as the "agent-construction-manager method," must generally follow the standard scope of services employed by the Department of Administrative and Financial Services, Bureau of General Services.

Sec. 7. Owner's representative. Owner's representative services must generally follow the standard scope of services employed by the Department of Administrative and Financial Services, Bureau of General Services. During the 5-year pilot program created by this Act, all design-bid-build projects that have qualified pursuant to the Maine Revised Statutes, Title 20-A, chapter 609 and that have total project costs of \$10,000,000 or more require an owner's representative, who must be funded through the state-supported line of the project budget. The owner's representative must be selected in accordance with Title 5, section 1753.

Sec. 8. Design-bid-build method. The Maine Revised Statutes, Title 5, section 1743-A and Title 20-A, chapter 609 set forth the traditional competitive design-bid-build method and may not be interpreted to permit alternative delivery methods except as provided in this Act.