

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

Sec. 9. Eligible projects. Subject to approval under section 11 of this Act, 3 design-build methods and 3 construction-manager-advisor methods or construction-manager-at-risk methods may be employed for school construction projects that do not exceed \$2,500,000 in total project cost. Two projects in a school administrative unit that exceed \$2,500,000 in total project cost but do not exceed \$10,000,000 in total project cost may utilize the design-build method. Two projects in a school administrative unit that exceed \$2,500,000 in total project cost but do not exceed \$10,000,000 in total project cost may employ the construction-manager-advisor method or the construction-manager-at-risk method. The 10 projects described in this section must be scheduled for completion by 2005, the intent of this law being creation of a 5-year pilot or study program.

Sec. 10. Procurement. Except as provided in this Act, all state-funded and locally funded school construction projects must be procured under the provisions of the Maine Revised Statutes, Title 5, section 1743-A and Title 20-A, chapter 609.

Sec. 11. Approval process. A school administrative unit seeking to use an alternative delivery method for a school construction project shall apply on an application form developed under section 12 of this Act to the Department of Education and the Department of Administrative and Financial Services, Bureau of General Services for approval of the alternative delivery method prior to commencing the project. Project applications must be evaluated by a review panel composed of representatives of the Department of Education, the Bureau of General Services and others with expertise in education, architecture, construction and engineering.

Sec. 12. Policies and procedures. The Commissioner of Education and the Commissioner of Administrative and Financial Services shall adopt policies and procedures to implement the application form and review the evaluation criteria, composition of the review panel, performance measures, contract documents, administrative appeals process and all other matters necessary to implement this Act. The policies adopted must provide that decisions pertaining to prequalification and selection may be appealed only to the Department of Administrative and Financial Services, Bureau of General Services, and that the decision of the Director of the Bureau of General Services or the director's designee is final and may not be appealed. The director or the director's designee shall consult with 2 nonvoting, outside advisors from the design and construction industry. The policies adopted may also include procedures that allow for reimbursement to a school administrative unit for a stipend paid to any design-build team that has been qualified to submit, and that does submit, a proposal. Any such reimbursement must come from

funds in the state-supported line of the project budget and in amounts to be established jointly by the Commissioner of Education and the Commissioner of Administrative and Financial Services.

Sec. 13. Retroactivity. Those sections of this Act that amend Resolve 1999, chapter 14 apply retroactively to April 16, 1999.

See title page for effective date.

CHAPTER 80

H.P. 1884 - L.D. 2620

An Act to Amend the Farmington Falls Standard Water District

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.

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

Whereas, in order for the Farmington Falls Standard Water District to function efficiently and harmoniously, the number of and manner of electing its trustees need to be changed immediately; 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:

Sec. 1. P&SL 1999, c. 21, §3, first sentence is repealed and the following enacted in its place:

The board of trustees of the district is composed of 5 trustees, 2 from that part of the Town of Chesterville included in the district, 2 from that part of the Town of Farmington included in the district and one trustee at large to be chosen from either part of the district.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 13, 2000.

CHAPTER 81

S.P. 1061 - L.D. 2655

An Act to Amend and Clarify the Powers and Duties of the Lake Arrowhead Community, Incorporated

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

Sec. 1. P&SL 1995, c. 37, §13-A is enacted to read:

Sec. 13-A. Prohibited fees and assessments. Notwithstanding any other provision of this Act or the Maine Revised Statutes, Title 33, chapter 31, the corporation may not charge a fee or assessment for a property owned by a municipality, regardless of when a fee or assessment may have been incurred.

Sec. 2. Application. This Act applies to all fees and assessments levied by the corporation on or after January 1, 1995.

See title page for effective date.

CHAPTER 82

S.P. 1010 - L.D. 2578

An Act to Provide for the Year 2000 Allocations of the State Ceiling on Private Activity Bonds

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

Whereas, the Maine Revised Statutes, Title 10, section 363 and Public Law 1999, chapter 443 make a partial allocation of the state ceiling on private activity bonds to some issuers for calendar year 2000, but leave a portion of the state ceiling unallocated and do not provide sufficient allocations for certain types of private activity bonds that may require an allocation prior to the effective date of this Act if not enacted on an emergency basis; and

Whereas, if these bond issues are delayed due to lack of available state ceiling, the rates and terms under which these bonds may be issued may be

adversely affected, resulting in increased costs to beneficiaries or even unavailability of financing for certain projects; 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:

Sec. 1. Allocation to the Treasurer of State. No portion of the state ceiling for calendar year 2000 is allocated to the Treasurer of State. No portion of the state ceiling for calendar year 2001 is allocated to the Treasurer of State.

Sec. 2. Allocation to the Finance Authority of Maine. The \$25,000,000 of the state ceiling for calendar year 2000 previously allocated to the Finance Authority of Maine remains allocated to the Finance Authority of Maine to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 6. Twenty-five million dollars of the state ceiling for calendar year 2001 is allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsection 6.

Sec. 3. Allocation to the Maine Municipal Bond Bank. The \$10,000,000 of the state ceiling for calendar year 2000 previously allocated to the Maine Municipal Bond Bank remains allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 7. Ten million dollars of the state ceiling for calendar year 2001 is allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with Title 10, section 363, subsection 7.

Sec. 4. Allocation to the Maine Educational Loan Authority. The \$10,000,000 of the state ceiling for calendar year 1999 previously allocated to the Finance Authority of Maine to be used for educational loans under Public Law 1999, chapter 443 is reallocated to the Maine Educational Loan Authority to be used or reallocated for supplemental educational loans in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 8. Ten million dollars of the state ceiling for calendar year 2000 is allocated to the Maine Educational Loan Authority to be used or reallocated for supplemental educational loans in accordance with Title 10, section 363, subsection 8. If the \$10,000,000 of the state ceiling for calendar year 1999 reallocated to the Maine Educational Loan Authority under this section is not reallocated to the Maine Educational Loan Authority,