

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

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

Effective January 28, 2002.

CHAPTER 46

S.P. 737 - L.D. 2048

An Act to Authorize the Yarmouth School Department to use the Construction-Manager-at-Risk Method of Construction Delivery for Locally Funded School Projects

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

Whereas, at a referendum vote conducted on June 12, 2001, the voters of the Town of Yarmouth approved the issuance of locally funded general obligation securities of the Town of Yarmouth without state participation in an amount not to exceed \$20,543,000 for school facility improvements at the Rowe School, Yarmouth Elementary School and Yarmouth High School; and

Whereas, the Yarmouth High School portion of the project involves the construction of additions and renovations to the existing high school building that must be carefully phased to avoid disruption of education; and

Whereas, the improvements to the Rowe School involve the demolition of an existing building, possible removal of hazardous material from the site and new construction; and

Whereas, the Yarmouth School Department and its advisors have determined that it will be less disruptive to education, more efficient and more cost effective to employ the construction-manager-at-risk method of construction delivery rather than the design-bid-build method of construction delivery for these projects; and

Whereas, the Maine Revised Statutes, Title 5, section 1743-A and the pilot program established by Private and Special Law 1999, chapter 79 do not permit the use of the construction-manager-at-risk method of construction delivery for school construction and renovation projects with a cost of more than \$10,000,000 even if they are locally funded; 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 preserva-

tion of the public peace, health and safety; now, therefore,

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

Sec. 1. Manager-at-risk method of construction. Notwithstanding the Maine Revised Statutes, Title 5, section 1743-A and Private and Special Law 1999, chapter 79, the Yarmouth School Department is authorized to employ the construction-manager-at-risk method of construction delivery rather than the design-bid-build method of construction delivery for the school facility improvements at the Rowe School and Yarmouth High School that were authorized by the voters of the Town of Yarmouth at a referendum conducted on June 12, 2001. The Yarmouth School Department shall use the procedures for selecting an architect or engineer established pursuant to Title 5, section 1742, subsection 6 and rules adopted pursuant to that subsection to select the construction manager at risk. The Yarmouth school facility improvements must be constructed in accordance with all other applicable requirements of the Maine Revised Statutes.

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

Effective February 7, 2002.

CHAPTER 47

S.P. 704 - L.D. 1906

An Act to Amend the Charter of the Corinna Sewer District

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

Whereas, this legislation allows the date of the annual meeting of the Corinna Sewer District to be set by the trustees of the district; and

Whereas, the next annual meeting of the Corinna Sewer District is scheduled for the first Saturday in June; and

Whereas, the 90-day period may not terminate until after the scheduled date for the annual meeting; 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 preserva-