

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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-

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. P&SL 1965, c. 89, §12 is amended to read:

Sec. 12. Annual meeting; qualifications of voters of district. The annual meeting of the district ~~shall must~~ be held in the district on ~~the first Saturday of June in each year a date and~~ at such hour and place as may be designated by resolution of the board of trustees as provided in the bylaws. Notice ~~thereof of~~ the meeting, signed by the ~~chairman chair~~ or clerk of the board, ~~shall must~~ be conspicuously posted in 2 public places within the district, not less than 7 days before the meeting. Special meetings may be called by the board in like manner at any time, and notice of special meetings ~~shall must~~ state the business to be transacted ~~thereat at the meeting~~. If for any reason an annual meeting is not held on the ~~above~~ date designated by the board, a meeting in lieu ~~thereof of that meeting~~ may be called in like manner to be held within 3 months from ~~said that~~ said date. Twenty-five persons qualified to vote ~~in such at the~~ meetings shall constitute a quorum.

All persons resident in said district and qualified to vote for Governor under the laws of this state ~~shall be~~ are entitled to vote in any meeting of the district, including the meeting for acceptance of this charter.

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

Effective February 14, 2002.

CHAPTER 48

H.P. 1413 - L.D. 1857

An Act to Amend the Charter of the Mt. Blue Water District

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

Whereas, the Mt. Blue Standard Water District needs to amend its charter to allow any resident of the Town of Phillips and the Town of Avon to be a trustee of the district so that the district can meet construction requirements; 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 1997, c. 31, §2 is amended by adding at the end a new paragraph to read:

Notwithstanding the Maine Revised Statutes, Title 35-A, section 6410, subsection 5, the treasurer of the district may be a nontrustee hired by the board. The election or hiring of the treasurer must occur within one week after each annual election.

Sec. 2. P&SL 1997, c. 31, §3 is amended to read:

Sec. 3. Number of trustees. The board of trustees of the district is composed of 5 trustees, 4 ~~from of whom must be residents of~~ the Town of Phillips and one ~~from of whom must be a resident of~~ the Town of Avon. Each trustee must be at least 18 years of age, ~~a resident of and must either reside in~~ the district ~~and reside in a household to which the district's service is provided~~ or be a customer of the district. Notwithstanding the Maine Revised Statutes, Title 35-A, section 6410, subsection 7, the trustees and treasurer of the board of trustees receive compensation as recommended by the trustees and approved by a majority of the voters of the district voting at an annual meeting of the district, which may be the organizational meeting required under Title 35-A, section 6410, subsection 5. Compensation schedules in effect on January 1, 2002 remain in effect until changed.

Sec. 3. Retroactivity. That section of this Act that amends Private and Special Law 1997, chapter 31, section 2 applies retroactively to the effective date of Private and Special Law 1997, chapter 31.

Sec. 4. 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 district at a special or regular town meeting or election held in the Town of Phillips and the Town of Avon prior to January 1, 2003. The election must be called, advertised and conducted by the respective towns according to the law relating to municipal elections. The registrars shall make a complete list of all the eligible voters. The list prepared by the registrars governs the eligibility of a voter. For the purpose of registration of voters, the registrars of voters must be in session on the secular day next preceding the election. The town clerks shall prepare the required ballots, on which the town clerks shall reduce the subject matter of this Act to the following question: