

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2002**

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.

The Commissioner of Education and the Commissioner of Administrative and Financial Services shall establish an assessment team to assess the 5-year pilot program established under this Act. The assessment team evaluation must be conducted as follows.

1. The assessment team is composed of at least 7 members as follows:

A. One representative of the Bureau of General Services designated by the Commissioner of Administrative and Financial Services;

B. One representative of the Department of Education designated by the Commissioner of Education;

C. One representative of the State Board of Education designated by the Chair of the State Board of Education;

D. One representative of school administrative units in the State designated by the Executive Director of the Maine School Management Association;

E. One representative of the construction trade designated by the president of a state-based organization that represents building contractors or specialty contractors;

F. One representative designated by the president of a state-based organization that represents architects; and

G. One representative designated by the president of a state-based organization that represents consulting engineers.

2. The purpose of the assessment is to evaluate the relative advantages and disadvantages of the alternative delivery methods employed under the terms and conditions of this Act, including, but not limited to, an analysis of the comparative costs and benefits of these methods for school construction projects to those found using the traditional competitive design-bid-build method set forth in the Maine Revised Statutes, Title 5, section 1743-A and Title 20-A, chapter 609.

3. In analyzing the relative merits of the traditional method and the alternative methods employed for school construction under this 5-year pilot

program, the assessment team shall consider the following factors:

A. The technical complexities of the projects;

B. The time or schedule savings or delays;

C. The project cost control;

D. The implications for the health and safety of educators, students and community members;

E. The capacity of state and local officials to plan and manage the selected alternative project delivery method of construction;

F. The consistency and fairness in the procurement process;

G. The appropriateness of the major subtrades designated by the Department of Administrative and Financial Services, Bureau of General Services that were subject to the provisions of the subcontractor prequalification panel process established for the construction-manager-at-risk projects;

H. The assurance of competition; and

I. The advancement of the public interest.

4. The assessment team must be convened no later than September 1, 2004 and must report the findings and recommendations from its assessment, including any recommended legislation, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs no later than December 7, 2005. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs may report out a bill to the Second Regular Session of the 122nd Legislature to implement the recommendations of the assessment team.

See title page for effective date.

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## CHAPTER 55

### S.P. 736 - L.D. 2047

#### **An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2003**

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

**Sec. 1. Allocation.** Gross revenues of the Maine Turnpike Authority for the calendar year ending December 31, 2003 must be segregated,

apportioned and disbursed as designated in the following schedule.

	<b>2003</b>
<b>MAINE TURNPIKE AUTHORITY</b>	
<b>Administration</b>	
Personal Services	\$638,940
All Other	993,225
<b>TOTAL</b>	<u>1,632,165</u>
<b>Accounts and Controls</b>	
Personal Services	580,923
All Other	265,799
<b>TOTAL</b>	<u>846,722</u>
<b>Highway Maintenance</b>	
Personal Services	3,265,540
All Other	2,050,730
<b>TOTAL</b>	<u>5,316,270</u>
<b>Equipment Maintenance</b>	
Personal Services	788,660
All Other	1,099,965
<b>TOTAL</b>	<u>1,888,625</u>
<b>Fare Collection</b>	
Personal Services	9,338,549
All Other	3,702,901
<b>TOTAL</b>	<u>13,041,450</u>
<b>Public Safety and Special Services</b>	
Personal Services	342,050
All Other	4,767,371
<b>TOTAL</b>	<u>5,109,421</u>
<b>Building Maintenance</b>	
Personal Services	549,799
All Other	487,640
<b>TOTAL</b>	<u>1,037,439</u>

<b>Subtotal of Line Items Budgeted</b>	<u>28,872,092</u>
General Contingency - 5% of line items budgeted for 2003 (10% allowed)	1,443,605
<b>MAINE TURNPIKE AUTHORITY</b>	
<b>TOTAL REVENUE FUNDS</b>	<u>\$30,315,697</u>

**Sec. 2. Transfer of allocations.** Any balance of an allocation for "General Contingency" made by the Legislature for the Maine Turnpike Authority may be transferred at any time prior to the closing of the books to any other allocation or subdivision of any other allocation made by the Legislature for the use of the Maine Turnpike Authority for the same calendar year. Any balance of any other allocation or subdivision of any other allocation made by the Legislature for the Maine Turnpike Authority that at any time is not required for the purpose named in the allocation or subdivision may be transferred at any time prior to the closing of the books to any other allocation or subdivision of any other allocation made by the Legislature for the use of the Maine Turnpike Authority for the same calendar year, subject to review by the joint standing committee of the Legislature having jurisdiction over transportation matters. Financial statements describing the transfer, other than a transfer from "General Contingency," must be submitted by the Maine Turnpike Authority to the Office of Fiscal and Program Review 30 days before the transfer is to be implemented. In case of extraordinary emergency transfers, the 30-day prior submission requirement may be waived by vote of the committee. These financial statements must include information specifying the accounts that are affected, amounts to be transferred, a description of the transfer and a detailed explanation as to why the transfer is needed.

**Sec. 3. Encumbered balance at year-end.** At the end of each calendar year, encumbered balances may be carried to the next calendar year.

**Sec. 4. Supplemental information.** As required by the Maine Revised Statutes, Title 23, section 1961, subsection 6, the following statement of the revenues in 2003 that are necessary for capital expenditures and reserves and to meet the requirements of any resolution authorizing bonds of the Maine Turnpike Authority during 2003, including debt service and the maintenance of reserves for debt service and reserve maintenance, is submitted.

2003

**Turnpike Revenue Bond  
Resolution Adopted April 18,  
1991; Issuance of Bonds  
Authorized Pursuant to the  
Maine Revised Statutes, Title  
23, section 1968, subsections 1  
and 2.**

<b>Debt Service Fund</b>	\$17,346,390
<b>Reserve Maintenance Fund</b>	16,000,000
<b>General Reserve Fund, to be applied as follows:</b>	
Capital Improvements	448,867
Debt Service Fund under the General Special Obligation Bond Resolution adopted May 15, 1996; issuance of bonds authorized pursuant to the Maine Revised Statutes, Title 23, section 1968, subsection 2-A.	2,466,060
<b>TOTAL</b>	<b>\$36,261,317</b>

See title page for effective date.

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**CHAPTER 56**

**H.P. 1568 - L.D. 2073**

**An Act to Amend the Charter of the  
Portland Water District for the  
Purpose of Redistricting Trustee  
Representation to Reflect 2000  
Census Data**

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

**Whereas,** the Portland Water District is a public municipal corporation organized and existing under the laws of the State; and

**Whereas,** the Portland Water District desires to reapportion its board of trustees to reflect 2000 census data, which will result in the inhabitants of the district being proportionally represented on the board; and

**Whereas,** the Portland Water District desires to have the changes effective prior to November 2002 to

preclude the necessity of special elections in the cities and towns that are now a part of the district; 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 1907, c. 433, §18, first ¶,** as amended by P&SL 2001, c. 25, §5, is repealed and the following enacted in its place:

**Sec. 18. Board of trustees.** The affairs of the district are managed by a board of trustees composed of 11 members, 4 of whom are elected by a plurality of the voters of the City of Portland, 2 by a plurality of the voters of the City of South Portland and the Town of Cape Elizabeth, one by a plurality of the voters of the City of Westbrook, one by a plurality of the voters of the Town of Gorham, one by a plurality of the voters of the Town of Raymond and the Town of Windham, one by a plurality of the voters of the Town of Scarborough and one by a plurality of the voters of the Town of Falmouth and the Town of Cumberland.

**Sec. 2. P&SL 1907, c. 433, §18, 2nd ¶,** as amended by P&SL 2001, c. 25, §6, is further amended to read:

Trustees are elected for a term of 5 years at elections as described in this paragraph. Trustees elected from the City of Portland are elected at the City of Portland's regular municipal elections in November. Trustees elected from the City of South Portland, the Town of Cape Elizabeth, the City of Westbrook, the Town of Cape Elizabeth, the Town of Gorham and the Town of Scarborough are elected at elections on the first Tuesday after the first Monday of November. Trustees elected from the Town of Cumberland, the Town of Falmouth, the Town of Raymond and the Town of Windham are elected on the mutually coincident municipal elections in the Town of Cumberland, the Town of Falmouth and the Town of Windham in June, but, if there is not a mutually coincident municipal election date, then on the 2nd Tuesday of June. The Town of Raymond shall hold a special town meeting to elect the trustees on the same day that the Town of Cumberland, the Town of Falmouth and the Town of Windham hold their coincident municipal elections to elect the trustees from those towns. The trustee elected from the Town of Cumberland and the Town of Falmouth is elected on a mutually coincident municipal election date in the Town of Cumberland and the Town of Falmouth in June, but, if there is not a mutually coincident