

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date March 20, 1979

To Richard G. Bachelder, Director

Dept. Bureau of Public Improvements

From Robert J. Stolt, Deputy

Dept. Attorney General

Subject Legislative History 5 M.R.S.A. §§ 1743, 1743-A

I have researched the legislative history regarding enactment of the present language of sections 1743 and 1743-A of Title 5, particularly the phrase "except contracts for professional, architectural and engineering services."


My research discloses that the present version of section 1743 was enacted in 1957 by Chapter 340, section 26. The phrase "except for contracts for professional, architectural and engineering services" was specifically inserted into 5 M.R.S.A. § 1743 by L.D. 1499 which was enacted as Committee Amendment A to L.D. 576, the Legislative Document which upon enactment became Chapter 340.

Section 26 of L.D. 576 prior to amendment by L.D. 1499 read:

"Competitive bids for public improvements.
Any contract for any public improvement
involving a total cost of more than \$3,000
shall be awarded by a system of competitive
bidding in accordance with the provisions of
this chapter and such other conditions and
restrictions as the Governor and Council may
from time to time prescribe."

The State Government Committee by Committee Amendment "A" (L.D. 1499) specifically amended the original L.D. 576 version of section 26: "by inserting after the underlined figures '\$3,000' in the 2nd line of underlined 'sec. 26; the underlined words and punctuation, 'except contracts for professional, architectural and engineering services,'. That language has been carried forward without change in section 1743 since the 1957 enactment of Chapter 340. In 1973, the language was adopted in section 1743-A in regard to schools (see c. 154, § 3, P.L. 1973).

The Legislature in 1957 specifically carved an exception to the public improvement competitive bidding process for "professional, architectural and engineering services" and it has maintained that exception through several amendments to section 1743 (see 1961, c. 234, § 2; 1963, c. 118; 1963, c. 164; 1967, c. 409, § 2; 1973, c. 274, § 1; 1975, c. 771, § 82; 1977, c. 303, § 1) and it has by enactment of § 1743-A (c. 154, § 3, P.L. 1973) extended the exception to the construction, major alteration and repair of school buildings.



ROBERT J. STOLT
Deputy Attorney General

RJS/ec
cc: Steve Diamond