

MAINE STATE LEGISLATURE

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1 (EMERGENCY)

2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE
5

6 Legislative Document

No. 1111

7
8 H.P. 862

House of Representatives, March 8, 1983

9 Submitted by the Department of Conservation pursuant to Joint Rule 24.
10 Referred to the Committee on State Government. Sent up for concurrence
and ordered printed.

11 EDWIN H. PERT, Clerk

Presented by Representative Nadeau of Lewiston.

Cosponsor: Representative Moholland of Princeton.
12

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-THREE
17

18 AN ACT to Amend the Competitive Bidding
19 Procedure to Allow Negotiation for Petroleum
20 Product Procurement.
21

22 Emergency preamble. Whereas, Acts of the Legis-
23 lature do not become effective until 90 days after
24 adjournment unless enacted as emergencies; and

25 Whereas, the law pertaining to competitive bid-
26 ding has been detrimental in the procurement of
27 petroleum products in that it does not allow the
28 State Purchasing Agent to take advantage of fluctu-
29 ations in the market; and

30 Whereas, if the State Purchasing Agent had the
31 authority to negotiate petroleum products, the State
32 would be in a position to take advantage of price
33 fluctuation; and

1 Whereas, if the present law is amended to nego-
2 tiate in the purchase of petroleum products, the
3 State Purchasing Agent could act quickly on behalf of
4 the State in taking advantage of special sales or
5 pricing strategy that may be offered; and

6 Whereas, if the State Purchasing Agent had more
7 flexibility in negotiating petroleum product procure-
8 ment, the State could deal with a greater number of
9 suppliers; and

10 Whereas, in the judgment of the Legislature,
11 these facts create an emergency within the meaning of
12 the Constitution of Maine and require the following
13 legislation as immediately necessary for the preser-
14 vation of the public peace, health and safety; now,
15 therefore,

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

18 Sec. 1. 5 MRSA §1816, sub-§2, ¶¶B and C are
19 amended to read:

20 B. In the opinion of the Governor an emergency
21 exists of a nature which requires the immediate
22 procurement of services, supplies, materials or
23 equipment, the State Purchasing Agent may be
24 authorized by the Governor to make purchases
25 without the formality of competitive bidding;

26 C. After reasonable investigation by the State
27 Purchasing Agent, it appears that any required
28 unit or item of supply, or brand of such unit or
29 item, is procurable by the State from only one
30 source; or

31 Sec. 2. 5 MRSA §1816, sub-§2, ¶D is enacted to
32 read:

33 D. It appears to be in the best interest of the
34 State to negotiate for the procurement of petro-
35 leum products.

36 Emergency clause. In view of the emergency
37 cited in the preamble, this Act shall take effect
38 when approved.

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STATEMENT OF FACT

The purpose of this bill is to allow the State Purchasing Agent to purchase petroleum products through negotiation when it is deemed to be the best method in procuring such commodity due to fast price fluctuation, time consideration or other reasons that would be a restraint in acting in a manner that may be an advantage to the State.

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