

MAINE STATE LEGISLATURE

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D. OF R.

1

L.D. 364

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(Filing No. S- 26)

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STATE OF MAINE

4

SENATE

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112TH LEGISLATURE

6

FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to S.P. 124, L.D. 364,
Bill, "AN ACT to Allow the Use of Bid Bonds on State
Highway Projects."

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Amend the bill by inserting after the enacting
clause the following:

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'Sec. 1. 23 MRSA §453, first ¶, as amended by PL
1975, c. 771, §250, is further amended to read:

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The department shall prepare all engineering
plans and specifications for materials, construction
and workmanship which it considers necessary for the
complete construction of the bridge structure, ap-
proaches and for maintenance of traffic and, as soon
as practicable after being advised that the municipal
officers are authorized to raise the town's share of
the estimated cost of such construction, shall requi-
sition the county and city or town for their respec-
tive portions of the estimated cost of construction
as provided in section 452, and except as otherwise
provided in this section, advertise for bids for the
construction of the bridge in 2 or more public news-
papers printed wholly or in part in the State, and in
one public newspaper printed wholly or in part in the
county in which the proposed work is to be done, if
any such newspaper is so printed in such county. Such
advertisement shall state the place where the bidders
may examine or obtain the plans and specifications,
and the time and place where the bids for such work
will be received by the department. Each bidder must
accompany his bid with a cashier's check or a certi-
fied check, or a United States postal money order, a
deposit of a good and sufficient bid bond in favor of
the State for the benefit of the department, executed
by a corporate surety authorized to do business in
the State, payable to the Treasurer of State, for an

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1 amount which the department considers sufficient to
2 guarantee that if the work is awarded to him, he will
3 contract with the department for its due execution.
4 These securities shall be returned to the respective
5 unsuccessful bidders. Such ~~checks or money orders~~ se-
6 curities or bonds shall be returned to the respective
7 unsuccessful bidders. The ~~check or money order~~ secu-
8 rity or bond of the successful bidder shall be re-
9 turned to him upon the execution and delivery to the
10 department of his contract and his bond with suffi-
11 cient sureties, in terms satisfactory to the depart-
12 ment for the due execution of such work. All bids so
13 submitted shall be publicly opened, read and posted
14 at the time and place stated in such advertisement.
15 The department shall have the right to reject any and
16 all bids if in its opinion good cause exists there-
17 for, but otherwise it shall award the contract to the
18 lowest responsible bidder. Any town may submit bids
19 for bridge construction within its limits and shall
20 be subject to all requirements prescribed for other
21 contractors, except that no bond need be required of
22 it. The department may provide for the construction
23 of the bridge on a day labor basis, or with approval
24 of the Governor, by contract without advertising for
25 bids. The department shall have full power in all
26 matters relating to the furnishing of bonds by the
27 successful bidders for the completion of their work
28 and fulfilling of their contracts. These bonds shall
29 protect fully the State, county and town from all li-
30 ability arising from damage or injury to persons or
31 property as a result of the contractor's operations.
32 The county commissioners of any county where a bridge
33 is built or rebuilt in any unorganized township are
34 authorized and required to assess upon said township
35 such sums as may be required to build or rebuild said
36 bridge according to the last state valuation. This
37 expense shall be added to their assessment on said
38 township for repairs authorized by section 4051,
39 which assessment shall create a lien upon said town-
40 ship for the amount thereof as effectually as is now
41 provided in relation to repairs on county roads. The
42 portion of such expense to be assessed in any one

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1 year shall be determined by the county commissioners,
2 but in no case shall the total expense be distributed
3 over a period of more than 5 years. That portion of
4 said assessment which is for building or rebuilding
5 said bridge shall be set down in the assessment in
6 distinct items in a separate column and shall be en-
7 forced as is provided in section 4104.'

8 Further amend the bill by inserting at the begin-
9 ning of the first line after the enacting clause,
10 (page 1, line 24 in L.D.) the following: 'Sec. 2.'

11 Further amend the bill in that part designated
12 "753." by striking out all of the 5th underlined sen-
13 tence (page 2, lines 16 to 19 in L.D.) and insert-
14 ing the following in its place the following: 'These
15 securities shall be returned to the respective unsuc-
16 cessful bidders.'

17 STATEMENT OF FACT

18 This amendment further clarifies the purpose of
19 the bill and it amends the Maine Revised Statutes,
20 Title 23, section 453, relating to bids to bidders to
21 make these provisions consistent with the Maine Re-
22 vised Statutes, Title 23, section 753.

23 2746031985

Reported By Senator Danton for the Committee on Transportation
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(3/25/85)

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