

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document

No. 565

H.P. 412

House of Representatives, February 14, 1985

Reference to the Committee on State Government suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Rydell of Brunswick, Senator Kany of Kennebec and Representative Rolde of York and Senator Gill of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FIVE

AN ACT to Provide for Termination or
Nonrenewal of State Contract Funds to
Private Nonprofit Organizations for
Cause.

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

5 MRSa §1831, sub-§1, as enacted by PL 1983, c. 188, is amended to read:

1. Adoption of rules. Every department or agency of State Government, subject to chapters 141 to 152, purchasing services or awarding grants or contracts which are not subject to the authority of the Department of Finance and Administration, as defined in chapters 153 and 155, shall establish a procedure by which these services shall be purchased or by which grants or contracts shall be awarded and by which the purchase or contract for service is terminated or not renewed. This procedure shall be adopted in accordance with the Maine Administrative

1 Procedure Act, chapter 375, and shall be approved by
2 the State Purchasing Agent prior to their adoption.
3 The procedure shall include, among any other provi-
4 sions deemed necessary by the State Purchasing Agent:

5 A. A notification process to inform prospective
6 bidders about contracts for which bids are being
7 requested;

8 B. A process by which bid applications shall be
9 reviewed;

10 C. Criteria for the selection of bids for any
11 additional review prior to any award of con-
12 tracts;

13 D. Criteria for the award of a contract;

14 D-1. A procedure by which specific reasons are
15 provided in writing by the state agency to per-
16 sons and firms for termination of a contract or
17 grant, before the expiration date of the contract
18 or grant, or for refusal of the state agency to
19 renew a contract or grant. Prior to the expira-
20 tion or termination of a contract or grant, the
21 grantee or contract holder shall be given the op-
22 portunity to respond to the written reasons
23 stated by the agency for termination or nonrenew-
24 al of the contract or grant. The contracts shall
25 specify the number of days' notice before termi-
26 nation or nonrenewal of a contract and the proce-
27 dure for appealing the agency's decision;

28 E. A definition of the procedure by which a per-
29 son, aggrieved by the decision of a department or
30 agency under this chapter, may appeal the deci-
31 sion; and

32 F. Criteria for the review of any decision that
33 has been appealed under this chapter.

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STATEMENT OF FACT

2 This bill requires a state agency to provide a
3 person or firm which has been awarded a contract or
4 grant with the specific reasons for the nonrenewal of
5 the contract or grant or for the termination of a
6 contract or grant before the expiration date. In ad-
7 dition, any person whose contract or grant is not re-
8 newed or is terminated before the expiration date
9 would be given the opportunity to respond to the rea-
10 sons of the state agency before the termination or
11 nonrenewal of the contract.

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