

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1796

7 H.P. 1279

House of Representatives, January 9, 1986

8 Approved for introduction by a majority of the Legislative Council
9 pursuant to Joint Rule 26.

10 Reference to the Committee on Energy and Natural Resources suggested
and ordered printed.

EDWIN H. PERT, Clerk

11 Presented by Representative Michaud of Medway.

Cosponsored by Representative Brown of Livermore Falls.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 AN ACT Authorizing the Department of
18 Environmental Protection to Contract
19 for Certain Services.
20

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

23 38 MRSA §344, sub-§8 is enacted to read:

24 3. Consulting services. The commissioner may
25 contract for expert technical services in connection
26 with a specific application when failure to do so
27 would, in his judgment, delay the expeditious pro-
28 cessing of the application and when the applicant has
29 agreed to pay all costs of the services. The commis-
30 sioner's actions shall be subject to the following
31 conditions:

32 A. If the commissioner and the applicant agree
33 to the procurement of expert technical services,
34 the applicant shall pay the State an amount suf-
35 ficient to meet the cost of the contract;

1 B. Notwithstanding any other provisions of law,
2 the commissioner may select, with the approval of
3 the Board of Environmental Protection, the con-
4 tractor most capable of providing the expert
5 technical services required;

6 C. The commissioner shall have sole administra-
7 tive and technical supervisory authority over the
8 contractor selected;

9 D. Any amount remaining after the termination of
10 the contract shall revert to the applicant; and

11 E. The contractor selected may not have any ex-
12 isting or prior business relationship with the
13 applicant in the preceding 5-year period.

14 STATEMENT OF FACT

15 In certain instances, timely consideration of ap-
16 plications to the Department of Environmental Protec-
17 tion may require specialized technical expertise not
18 readily available within departmental staff. The
19 purpose of this bill is to provide a mechanism where-
20 by the department and the applicant mutually agree on
21 the need for outside technical expertise to be ac-
22 quired at the expense of the applicant, but in all
23 other ways selected and otherwise under the control
24 of the department.

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