

MAINE STATE LEGISLATURE

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APPROPRIATIONS AND FINANCIAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 952, L.D. 1341, Bill, "An Act to Limit the Use of Certificates of Participation"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 5 MRSA §1588, sub-§1, as enacted by PL 1993, c. 92, §8, is amended to read:

1. Authority of Department of Administrative and Financial Services; central records. The Department of Administrative and Financial Services may develop, negotiate and administer master lease-purchase financing programs, in accordance with the provisions of section 1587, to facilitate advantageous lease-purchase terms and economies of scale. Upon final legislative approval of agency lease-purchase proposals, state agencies, except for programs supported by the Highway Fund or the Federal Expenditure Fund in the Department of Transportation, shall participate in the Department of Administrative and Financial Services master lease-purchase program, unless participation is not feasible. The Department of Administrative and Financial Services, in conjunction with the relevant state agency, may negotiate and execute lease-purchase or financial contracts on behalf of the State. These master lease-purchase financing agreements may include the refinancing or consolidation of any state agency lease-purchase agreements. The Department of Administrative and Financial Services shall maintain central

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records on each lease-purchase financing agreement and each master lease-purchase program the department administers on behalf of a benefiting department or agency.

Sec. 2. 5 MRSA §1811, sub-§5, as amended by PL 1993, c. 707, Pt. G, §6, is further amended to read:

5. Storerooms. To establish and operate, with the approval of the Commissioner of Administrative and Financial Services, storerooms which that, in the judgment of the Director of the Bureau of General Services, are determined necessary for the storage and distribution of supplies, materials and equipment by resale, rental or other method, required for use by the State Government or any department or agency, or any political subdivision or school administrative unit. Notwithstanding In accordance with section 1587, the Director of the Bureau of General Services may purchase, lease, lease-purchase or enter into other financing agreements for the acquisition of equipment in accordance with this subsection when it can be demonstrated that any such action or agreement provides a clear cost advantage to the State. ~~All contracts, terms, terms of financing and other terms related to any financing agreement reached are subject to the review of the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs;~~

Sec. 3. 5 MRSA §1811, sub-§9, ¶A, as amended by PL 1991, c. 780, Pt. Y, §66, is further amended to read:

A. The Bureau of General Services shall work closely with all departments and agencies to identify annual transportation and vehicle usage requirements to ensure that agency program requirements are met to the maximum extent possible. The bureau shall:

(1) Maintain the Central Motor Pool to service the transportation requirements of all state agencies not exempted under paragraph B, subparagraph (3) and their employees and control assignments of vehicles to ensure they are used to the best economic advantage of the State;

(2) Maintain records of transportation and vehicle requirements and all motor vehicles owned, leased and available for use for those agencies not exempted under paragraph B, subparagraph (3) and make this information available to state agencies;

(3) Require all state agencies not exempted under paragraph B, subparagraph (3) and their employees to use the Central Motor Pool when transportation is

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required. Employees requesting to use personal vehicles on state business are required to seek an exemption from the Central Motor Pool;

(4) Acquire or replace Central Motor Pool vehicles in accordance with an established vehicle replacement policy;

(5) Transfer motor vehicles from other agencies, purchase, lease, lease-purchase or enter into other financing agreements, in accordance with section 1587, for the acquisition or replacement of motor vehicles in accordance with paragraph B when it can be demonstrated that any such action or agreement provides a clear cost or program advantage to the State;

(6) Establish facilities to store and maintain motor vehicles; and

(7) Devise a mechanism for the distribution of fuel by competitive bidding by commercial vendor, by the use of existing state-owned fueling facilities, and the establishment of a statewide credit card system.'

STATEMENT OF FACT

This amendment replaces the original bill with language that ensures that all lease-purchase or other similar agreements, such as "certificate of participation," require specific prior approval of the Legislature.