

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-1997

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Legislative Document

No. 1776

S.P. 597

In Senate, April 10, 1997

**An Act to Establish Guidelines for Putting Certain Social Service  
Contracts out to Bid.**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DAGGETT of Kennebec.  
Cosponsored by Representative KANE of Saco.

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

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**Sec. 1. 5 MRSA §20002, sub-§3**, as enacted by PL 1995, c. 470, §1, is amended to read:

**3. Tobacco use by juveniles.** To enforce the State's laws relating to the sale and use of tobacco products by juveniles and to coordinate state and local activities related to those provisions. The office shall take all necessary actions to ensure compliance with the Synar Act, 42 United States Code 300X-26, including the preparations of reports for the signature of the Governor. All law enforcement agencies, all state departments, including the Department of Public Safety and the Department of Human Services, and municipalities shall cooperate with the office in these efforts.

The office may enter into any contracts or agreements necessary or incidental to the performance of its duties under this section, subject to section 20005, subsection 6 and--section 20005-A. The office shall provide or assist in the provision of voluntary training programs regarding the sales of tobacco products to juveniles.

**Sec. 2. 5 MRSA §20005, sub-§6**, as amended by PL 1995, c. 560, Pt. L, §5 and affected by §16, is further amended to read:

**6. Contracts and licensing.** Through the director:

A. Administer all contracts with community service providers for the delivery of alcohol and drug abuse services; and

B. Establish operating and treatment standards and inspect and issue certificates of approval for approved treatment facilities, drug abuse treatment facilities or programs, including residential treatment centers, and community-based service providers pursuant to section 20024 and subchapter V.

The commissioner may delegate contract and licensing duties under this subsection to the Department of Human Services, the Department of Corrections or other divisions of the department as long as that delegation ensures that contracting for alcohol and other drug abuse services provided in community settings are consolidated within the Department of Human Services, that contracting for alcohol and other drug abuse services delivered within correctional facilities are consolidated within the Department of Corrections and that contracting for alcohol and other drug abuse services delivered within mental health and mental retardation facilities are consolidated within the department.

2 The commissioner may not delegate contract and licensing duties  
if that delegation results in increased administrative costs. ;

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5 ~~The commissioner may not issue requests for proposals for~~  
6 ~~existing contract services until the commissioner has adopted~~  
7 ~~rules in accordance with the Maine Administrative Procedure Act~~  
8 ~~to ensure that the reasons for which existing services are placed~~  
9 ~~out for bid and the performance standards and manner in which~~  
10 ~~compliance is evaluated are specified and that any change in~~  
11 ~~provider is accomplished in a manner that fully protects the~~  
12 ~~consumer of services.~~

14 ~~Any new contract must be awarded through a request for proposal~~  
15 ~~procedure and 1/3 of the contracts of \$100,000 per year or more~~  
16 ~~that are renewed must be awarded through a request for proposal~~  
17 ~~procedure at least every 2 years.~~

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19 ~~The commissioner shall establish a procedure to obtain assistance~~  
20 ~~and advice from consumers of alcohol and other drug abuse~~  
21 ~~services regarding the selection of contractors when requests for~~  
22 ~~proposals are issued.~~

24 **Sec. 3. 5 MRSA §20005-A**, as amended by PL 1995, c. 691, §1,  
is repealed.

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27 **Sec. 4. 34-B MRSA §1208-A**, as amended by PL 1995, c. 691, §5,  
is repealed.

30 **Sec. 5. Agency comment.** The Commissioner of Mental Health,  
31 Mental Retardation and Substance Abuse Services shall establish,  
32 with assistance from social service agencies, written guidelines  
33 to determine the appropriate times for the rebidding of ongoing  
34 contracts.

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## SUMMARY

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39 This bill prohibits a performance-based contract by the  
40 Department of Mental Health, Mental Retardation and Substance  
41 Abuse Services from being put out to bid because of the amount or  
42 duration of the contract. The bill also requires the Department  
43 of Mental Health, Mental Retardation and Substance Abuse Services  
44 to establish guidelines, with assistance from social service  
agencies, as to when contracts should be sent out for rebidding.