

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1366

H.P. 968

House of Representatives, February 18, 1999

**An Act to Require Pollution Prevention as a Criterion for Awarding State Contracts.**

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative COWGER of Hallowell.  
Cosponsored by Representatives: HATCH of Skowhegan, WATSON of Farmingdale,  
Senator: TREAT of Kennebec.

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

4 **Sec. 1. 5 MRS §1743-D** is enacted to read:

6 **§1743-D. Pollution prevention as contract criterion**

8 A contractor engaged by the State or bidding for any public improvement or public works project must meet the requirements of this section.

10 1. **Minimizing pollution.** A contractor submitting a bid on a project covered under this section must demonstrate that contractor's efforts to minimize pollution in the conduct of the contractor's business. Pollution prevention measures may include, but are not limited to, paper recycling, use of alternative fuels for transportation, use of environmentally friendly materials in daily operations, waste-reduction efforts and proper care of wrecked or discarded equipment.

20 2. **Rules.** The Bureau of General Services within the Department of Administrative and Financial Services shall adopt rules for contractors who are required to comply with the provisions of this section. The rules must set criteria by which contractors are evaluated during the contract selection process. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

28 3. **Bid rejection.** A bid by a contractor who is unable to demonstrate a good faith effort to prevent pollution, as set forth in subsection 1, may be rejected as deficient by the Bureau of General Services or any other procuring agency.

34 4. **Notice.** All requests for proposals issued by a procuring agency must include a notification to contractors of the requirements of this section and information on how to obtain a copy of the rules developed under this section.

38 5. **Effective date.** This section applies to any state contract that takes effect on or after July 1, 2000.

40 **Sec. 2. Guideline development.** The Bureau of General Services shall develop rules and criteria for evaluating a contractor's pollution prevention efforts as required under the Maine Revised Statutes, Title 5, section 1743-D, subsection 1. The rules must be completed and available for public distribution by December 31, 1999.

## SUMMARY

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4       This bill requires contractors who bid for public  
improvement and public works projects to demonstrate the efforts  
they have made in their businesses to prevent pollution.