

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2112

S.P. 776

In Senate, February 19, 2002

An Act to Aid Fire Departments in Meeting Mandatory Reporting Requirements.

Reported by Senator McALEVEY for the Joint Standing Committee on Criminal Justice pursuant to Joint Order, S.P. 763.

Reference to the Committee on Criminal Justice suggested and ordered printed pursuant to Joint Rule 218.

PAMELA L. CAHILL
Secretary of the Senate

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

2 **Sec. 1. 5 MRSA §1813, sub-§6**, as amended by PL 1991, c. 418,
4 §1, is further amended to read:

6 **6. Surplus property.** Providing for transfer of supplies,
7 materials and equipment that are surplus from one state
8 department or agency to another that may need them, and for the
9 disposal by private and public sale of supplies, materials and
10 equipment that are obsolete and unusable. Political
11 subdivisions, educational institutions, fire departments or
12 qualifying nonprofit organizations, as defined in section 1813-A,
13 must be given an opportunity to purchase the surplus items
14 through private sale. If 2 or more political subdivisions,
15 educational institutions, fire departments or qualifying
16 nonprofit organizations are interested in any item, the sale must
17 be the result of competitive bid. Any equipment so purchased must
18 be retained for a period of at least one year in a current
19 ongoing program. Any item purchased by a political subdivision,
20 educational institution, fire department or qualifying nonprofit
21 organization under this section may not be sold or transferred by
22 that political subdivision, educational institution, fire
23 department or qualifying nonprofit organization for a period of 6
24 months from the date of the private sale and the State reserves
25 the right to refuse to sell additional equipment to a political
26 subdivision, educational institution, fire department or
27 qualifying nonprofit organization if it is determined that the
28 political subdivision, educational institution, fire department
29 or qualifying nonprofit organization has not retained the
30 equipment for the required period of 6 months;

32 **Sec. 2. 5 MRSA §1813-A**, as amended by PL 1991, c. 716, §6, is
33 further amended to read:

34 **§1813-A. Sale of surplus property**

36 **1. Definitions.** As used in this chapter, unless the
37 context otherwise indicates, the following terms have the
38 following meanings.

39 A. "Educational institution" means any public elementary or
40 secondary school, any elementary or secondary private school
41 approved for tuition whose school enrollment is at least 60%
42 publicly funded students as determined by the previous
43 school year's October to April average enrollment, any
44 nonpublic post-secondary school or any applied technology
45 region.
46

47 C. "Qualifying nonprofit organization" means a public or
48 private nonprofit entity that owns or operates a project or
49

2 facility for the homeless or a nonprofit organization that
3 has been determined to be exempt from taxation under the
4 United States Internal Revenue Code, Section 501 (c) and
5 that provides services to persons with physical or mental
6 handicaps as defined in section 4553, subsection 7-A.

7 D. "Fire department" means a department required to report
8 to the State Fire Marshal pursuant to Title 25, section 2395.

10 **2. Surplus property.** Pursuant to this chapter and rules
11 promulgated adopted under section 1813, the Department of
12 Administration and Financial Services through the Bureau of
13 Purchases General Services shall allow private sales of surplus
14 property to homeless shelter sponsors and to educational
15 institutions.

16 **3. Computers to fire departments.** Notwithstanding any
17 requirement of this chapter or rules adopted pursuant to this
18 chapter, a fire department may purchase one personal computer
19 from the Bureau of General Services to be used for reporting to
20 the State Fire Marshal as required under Title 25, section 2395.
21 The Bureau of General Services may charge a fire department only
22 the reasonable administrative and handling costs of no more than
23 \$35 for the purchase of a personal computer under this subsection.

26 FISCAL NOTE

27 The additional costs associated with adopting rules
28 concerning the sale of certain computers to fire departments can
29 be absorbed by the Department of Administrative and Financial
30 Services' Bureau of General Services utilizing existing budgeted
31 resources.

32 Selling surplus computers to fire departments will reduce
33 revenue to the Department of Administrative and Financial
34 Services' Postal, Printing and Supply Fund. Currently, it costs
35 the department approximately \$35 to ready a surplus computer for
36 sale and the average sale price is approximately \$250. The
37 estimated reduction of dedicated revenue is \$215 per computer.
38 The number of computers to be sold at this reduced price is not
39 known and therefore the total revenue loss can not be determined
40 at this time. However, the revenue loss is expected to be minor.
41

44 SUMMARY

45 This bill is proposed in place of LD 1903, "Resolve, to
46 Provide Computers to Rural Fire Stations." The bill specifies
47 that a fire department may purchase one personal computer from
48 the Department of Administrative and Financial Services, Bureau
49
50

2 of General Services to be used for the purpose of meeting the
department's reporting requirements to the State Fire Marshal
4 under the Maine Revised Statutes, Title 25, section 2395. The
Bureau of General Services may charge a fire department only the
6 reasonable administrative and handling costs of no more than \$35
for the purchase of a personal computer under this bill.