

MAINE STATE LEGISLATURE

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Date: 6/8/07

L.D. 1885
(Filing No. H-496)

STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1319, L.D. 1885, Bill, "An Act To Repeal Inactive Boards and Commissions"

- Amend the bill by striking out sections 1, 2 and 3.
- Amend the bill by striking out sections 5, 6 and 7 and inserting the following:

'Sec. 5. 5 MRSA §1826-B, sub-§3 is enacted to read:

3. Director. "Director" means the Director of the Bureau of General Services within the Department of Administrative and Financial Services.

Sec. 6. 5 MRSA §1826-C, as amended by PL 2003, c. 515, §§5 to 8 and c. 689, Pt. B, §6, is further amended to read:

§1826-C. Work center purchases

~~1. Committee established. There is established the Work Center Purchases Committee, consisting of the Director of the Bureau of General Services within the Department of Administrative and Financial Services or the director's designee, the Director of the Bureau of Rehabilitation Services within the Department of Labor, a representative of the Department of Health and Human Services, a representative of work centers, a representative of the business community and persons with disabilities. The total number of members with disabilities on the committee must be a minimum of 5.~~

~~2. Appointments; terms; compensation. The members of the Work Center Purchases Committee shall be appointed by and shall serve at the pleasure of the Governor. All members of the committee shall serve without compensation, except for reimbursement of necessary expenses incurred in the performance of their duties. The 3 agencies of the State Government that are represented on the committee shall absorb any necessary expenses.~~

~~3. Powers and duties. The powers and duties of the Work Center Purchases Committee shall include the following:~~

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- 1 ~~A. Develop and use a work center purchases schedule, pursuant to subsection 4;~~
- 2 ~~B. Develop and carry out procedures for standard competitive bidding for the~~
- 3 ~~products and services on the work center purchases schedule pursuant to subsection~~
- 4 ~~5;~~
- 5 ~~C. Develop procedures to be used in the award and extension of contracts, pursuant~~
- 6 ~~to subsection 6;~~
- 7 ~~D. Incorporate the Department of Administrative and Financial Services, Bureau of~~
- 8 ~~General Services rules of appeal of contract awards to resolve disputes related to~~
- 9 ~~Work Center Purchases Committee decisions;~~
- 10 ~~E. Develop and, when necessary, implement procedures to ensure that any member~~
- 11 ~~of the committee who has an actual or potential conflict of interest with respect to any~~
- 12 ~~contract under consideration by the committee is prohibited from taking any action~~
- 13 ~~on that contract in his capacity as a committee member in accordance with the same~~
- 14 ~~provisions and standards that apply to executive employees as described in Title 5,~~
- 15 ~~section 18; and~~
- 16 ~~F. Issue rules, pursuant to the Maine Administrative Procedure Act, Title 5, chapter~~
- 17 ~~375, to carry out the purpose and intent of this subchapter.~~

18 **4. Work center purchases schedule.** The ~~Work Center Purchases Committee~~
 19 director shall develop and use a work center purchases' purchases schedule. The
 20 committee director shall:

- 21 A. Identify and develop a list of all products and services purchased or scheduled to
- 22 be purchased by State Government;
- 23 B. Identify and develop a list of all work centers in the State, including a
- 24 description of the products and services work centers are currently providing or have
- 25 recently provided and including an assessment of the products and services that work
- 26 centers are capable of providing, but have not recently provided; and
- 27 C. Develop from the information obtained in paragraphs A and B a work center
- 28 purchases' purchases schedule which that describes all products and services to be
- 29 purchased by the State which that, in the view of the committee director, could be
- 30 provided by work centers. In developing this schedule, the committee director shall
- 31 give consideration to the abilities of work centers to meet contract requirements and
- 32 to meet generally ~~excepted~~ accepted quality control standards and any potential
- 33 technical assistance that may be required to enable a work center to compete fairly
- 34 for contracts, pursuant to this subchapter.

35 **5. Competitive bidding.** The ~~Work Center Purchases Committee~~ director shall
 36 develop procedures for competitive bidding by eligible work centers only for products
 37 and services identified on the work center purchase schedule. If no bid is received from a
 38 work center for any product or service on the schedule, the ~~Director of the Bureau of~~
 39 ~~General Services within the Department of Administrative and Financial Services~~ director
 40 shall confer with the Department of Corrections to determine whether the Department of
 41 Corrections is able to provide the product or service at a fair price. If the ~~Director of the~~
 42 ~~Bureau of General Services~~ director and the Department of Corrections do not come to
 43 agreement, the product or service must be put out to general bid by the ~~Director of the~~

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~~Bureau of General Services~~ director, in accordance with standard rules and procedures. If only one work center bid is received, the ~~committee~~ director shall review the bid and make a determination regarding the fairness of the price and terms of the proposed contract. If the ~~committee~~ director determines that the work center may not be awarded this bid, the ~~Director of the Bureau of General Services~~ director shall confer with the Department of Corrections to determine whether the Department of Corrections is able to provide the product or service at a fair price. If the ~~Director of the Bureau of General Services~~ director and the Department of Corrections do not come to agreement, the contract must be offered for standard competitive bid by the ~~Director of the Bureau of General Services~~ director in accordance with standard rules and procedures.

6. **Award of contracts; fair price.** ~~The Work Center Purchases Committee shall have~~ director has final determination in awarding contracts to work centers through the competitive bidding process. ~~The committee's~~ director's judgment ~~shall prevail~~ prevails in the determination that the price and contract terms are fair and reasonable both to the work center and to the State. In determining a fair price, the ~~committee~~ director shall ensure the ability of the work center to recover the costs of labor, material, equipment, overhead and delivery.

7. **Assignment of contracts.** ~~The Work Center Purchases Committee~~ director shall ensure that contracts awarded to work centers may not be assigned to any other vendor, except as may be necessary to complete the contracts, because of extraordinary events beyond the control of the work centers. Any additional costs incurred because of these assignments ~~shall~~ must be borne by the work center as a normal cost of doing business.'

Amend the bill by striking out section 12.

Amend the bill by striking out sections 15 and 16.

Amend the bill by striking out sections 19 and 20.

Amend the bill by striking out sections 24 and 25 and inserting the following:

'Sec. 24. 5 MRSA §12006, sub-§2, as amended by PL 1999, c. 668, §47, is further amended to read:

2. **Legislative repeal of inactive boards.** The Secretary of State shall submit suggested legislation to the joint standing committee of the Legislature having jurisdiction over state government matters on or before January 15th in the first regular session of each biennium to repeal those boards that have not reported on their activities to the Secretary of State under this section or section 12005-A during either of the prior 2 calendar years or have been inactive during the preceding 24 months. The joint standing committee of the Legislature having jurisdiction over state government matters may submit legislation to the first regular session of each biennium to repeal those boards.'

Amend the bill by striking out section 34.

Amend the bill by striking out section 36.

Amend the bill by striking out sections 44 to 48.

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

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SUMMARY

This amendment removes a number of boards and commissions from the list to be repealed in the bill. Those boards and commissions are:

1. Education Commission of the States;
2. Pharmaceutical Cost Management Council;
3. Telecommunications Relay Services Advisory Council;
4. Maine Engineers Recruitment and Retention Advisory Committee;
5. Maine-Canadian Legislative Advisory Commission and Maine-Canadian Legislative Advisory Office;
6. Oil Spill Advisory Committee; and
7. State Compensation Commission.

It also transfers the responsibilities of the Work Center Purchases Committee to the Director of the Bureau of General Services within the Department of Administrative and Financial Services and repeals the committee itself. It also gives authority for the joint standing committee of the Legislature having jurisdiction over state and local government matters to submit legislation in the first regular session of each biennium in order to act on the Secretary of State's report without the need for a joint order.