

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 2057

H.P. 1461

House of Representatives, January 16, 2020

**An Act To Ensure an Efficient Contracting Process for the
Department of Health and Human Services**

Submitted by the Department of Health and Human Services pursuant to Joint Rule 203.
Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HYMANSON of York.

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

2 **Sec. 1. 5 MRSA §20002, sub-§3**, as amended by PL 2011, c. 657, Pt. AA, §5, is
3 further amended to read:

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

11 The department may enter into any contracts or agreements necessary or incidental to the
12 performance of its duties under this section, subject to section 20005, subsection 6 and
13 Title 22-A, section 20005-A 214. The department shall provide or assist in the provision
14 of voluntary training programs regarding the sales of tobacco products to juveniles; and

15 **Sec. 2. 5 MRSA §20005-A**, as amended by PL 2017, c. 407, Pt. A, §§26 and 27,
16 is repealed.

17 **Sec. 3. 22-A MRSA §214, sub-§4, ¶A**, as enacted by PL 2007, c. 539, Pt. N,
18 §53, is amended to read:

19 A. The commissioner ~~shall~~ may hold at least one informational meeting at least ~~30~~
20 14 days before the due date for submission of the notice of intent to bid. ~~Any~~
21 ~~informational meeting must be advertised in newspapers of general circulation stating~~
22 ~~the location, date, time and purpose of the meeting.~~ At the meeting the ~~The~~
23 commissioner shall provide detailed information to any interested party about the
24 contract to be bid or rebid, provide notice of anticipated major changes from any
25 previous contract and respond to questions.

26 **Sec. 4. 22-A MRSA §214, sub-§4, ¶B**, as enacted by PL 2007, c. 539, Pt. N,
27 §53, is amended to read:

28 B. The commissioner ~~shall~~ may require any interested party to submit a notice of
29 intent to bid at least ~~30~~ 7 days before the date bids will be accepted as a precondition
30 to submitting a formal bid. The notice of intent must contain minimal requirements
31 that demonstrate a prospective bidder's competence and ability to comply with the
32 requirements of the contract.

33 **Sec. 5. 34-B MRSA §1208-A**, as amended by PL 1995, c. 560, Pt. K, §21 and c.
34 691, §5, is repealed.

35 **SUMMARY**

36 This bill amends the law regarding performance-based contracts entered into by the
37 Department of Health and Human Services to give the Commissioner of Health and
38 Human Services discretion in holding informational meetings and requiring notices of

1 intent to bid. The bill also repeals duplicative language regarding performance-based
2 contracts.