

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

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PUBLIC LAWS  
OF THE  
**STATE OF MAINE**  
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or registration has been revoked, if 4 or more members of the board vote in favor of such reissuance.

Sec. 11. Transitional provisions. Any barber member of the State Board of Barbers, serving as of the effective date of this Act, who has served more than 3 consecutive 3-year terms may complete the term being served at that time.

Effective October 24, 1977

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## CHAPTER 399

### AN ACT Pertaining to the Granting of Preference in the Letting of State Contracts to State of Maine Resident Bidders.

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

5 MRSA § 1816, sub-§ 10 is enacted to read:

10. Preference for in-state bidders. Notwithstanding inconsistent provisions of law, the State Purchasing Agent or other contracting officer may award a contract to an in-state bidder who has not submitted the lowest bid, pursuant to the following provisions.

A. For the purposes of this subsection, the words "in-state bidder" shall mean a bidder:

- (1) Whose principal place of business or a branch thereof has been located in Maine for a period of 2 years; and
- (2) Who will employ at least 90% Maine residents to carry out the contract.

B. Whenever the lowest responsible bidder is not an in-state bidder, the State Purchasing Agent or other contracting officer may award the contract to the next lowest responsible bidder, provided that the next lowest responsible bidder:

- (1) Is an in-state bidder;
- (2) Has submitted a bid which is no more than 2% higher than the bid of the lowest responsible bidder; and
- (3) Agrees to accept the contract at the amount of the bid submitted by the lowest responsible bidder.

C. If this next lowest responsible bidder does not agree to accept the contract, the State Purchasing Agent or other contracting officer may award the contract to another responsible low bidder who meets the criteria specified in paragraph A and paragraph B. Whenever the State Purchasing Agent or other contracting officer offers a contract to such other low bidder or bidders, he shall do so in the order of the proximity of each bid to the bid of the lowest responsible bidder.

D. Nothing in this subsection shall be construed to effect or limit any power or duty relating to the awarding of contracts which the United States Government reserves to itself.

This subsection shall cease to be in effect on June 30, 1980.

Effective October 24, 1977

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## CHAPTER 400

### AN ACT Concerning the Certificate of Apparent Election and the Fee for Recounts in Election Contests.

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

Sec. 1. 21 MRSA § 1095, 1st ¶, as last amended by PL 1975, c. 771, § 198, is further amended to read:

Within a reasonable time after an election, the Governor shall issue an election certificate in accordance with Title 5, section 84 or a notice of apparent election to each person elected to office according to the tabulation required by section 1092 ~~or on appeal according to the determination of the Governor or on the determination of the Commission on Governmental Ethics and Election Practices, as provided under chapter 36.~~ For cases involving elections finally determined by the Governor, issuance of a certificate shall be made in accordance with section 1423, subsection 3, paragraphs B and C. For cases involving elections not finally determined by the Governor, the Governor shall withhold issuance of a certificate while such election is contested before the Commission on Governmental Ethics and Election Practices as provided under chapter 36. If, before the convening of the finally determinative body in an election not determined by the Governor, the commission finds that a candidate has been apparently elected, the commission shall notify the Governor forthwith of such apparent election. The Governor shall issue a notice of apparent election to the person apparently elected according to the findings of the commission.

Sec. 2. 21 MRSA § 1152, sub-§ 2, ¶¶ A - D, as amended by PL 1969, c. 204, § 2, are further amended to read:

A. If the combined vote is 1,000, or less, and the percentage of difference between the vote for the 2 candidates is more than 10%, ~~\$100~~ \$150;