

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
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ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

(2) A person may leave an unregistered deer in the woods if he notifies a warden within 12 hours as to the location of the deer and the circumstances necessitating his leaving the deer in the woods.

Effective September 23, 1983.

CHAPTER 187

H.P. 1090 - L.D. 1417

AN ACT Concerning the Hiring of
"Clerk-of-the-works" for the Inspection of
Public Improvements.

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

5 MRSA §1751 is enacted to read:

§1751. Employment of a clerk-of-the-works

A clerk-of-the-works shall be employed to assist in the inspection of the construction of a public improvement when directed by the director. The clerk shall report directly to the professional architect-engineer of record for the project. The budget for the public improvement shall include funding for the clerk. The clerk shall be hired through an open advertising and interview process by the architect-engineer. The clerk candidate recommended by the architect-engineer shall be approved by both the owner and director before being hired. The clerk shall possess qualifications of education and experience in construction technology and administration compatible with the needs of the public improvement. The director may promulgate rules relative to this section.

Effective September 23, 1983.

CHAPTER 188

S.P. 437 - L.D. 1316

AN ACT Concerning the Guidelines for
State Contract Process and Appeal of
Decisions.

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

5 MRSA c. 156 is enacted to read:

CHAPTER 156

DEPARTMENT CONTRACTS AND APPEAL OF DECISIONS

§1831. Rules for competitive bid process

1. Adoption of rules. Every department or agency of State Government, subject to chapters 141 to 152, purchasing services or awarding grants or contracts which are not subject to the authority of the Department of Finance and Administration, as defined in chapters 153 and 155, shall establish a procedure by which these services shall be purchased or by which grants or contracts shall be awarded. This procedure shall be adopted in accordance with the Maine Administrative Procedure Act, chapter 375, and shall be approved by the State Purchasing Agent prior to their adoption. The procedure shall include, among any other provisions deemed necessary by the State Purchasing Agent:

A. A notification process to inform prospective bidders about contracts for which bids are being requested;

B. A process by which bid applications shall be reviewed;

C. Criteria for the selection of bids for any additional review prior to any award of contracts;

D. Criteria for the award of a contract;

E. A definition of the procedure by which a person, aggrieved by the decision of a department or agency under this chapter, may appeal the decision; and

F. Criteria for the review of any decision that has been appealed under this chapter.

2. Limitation. This section does not apply to purchase of supplies, services, materials and equipment or to public improvements, as described under chapters 153 and 155. This section does not apply to construction, improvement or repair of any and all ways, roads or bridges with appurtenances in accordance with section 1741.

3. Application. The procedure adopted by a

department or agency in this section may be used by the department or agency for any qualifying purchase or award of a contract or grant. Nothing in this section may be construed to require the adoption of new procedures for every new purchase, contract or award. Nothing in this section may be construed to require the State Purchasing Agent or the Department of Finance and Administration to approve any contract, grant or award that is not presently approved by the State Purchasing Agent or the Department of Finance and Administration under chapters 153 and 155.

Effective September 23, 1983.

CHAPTER 189

S.P. 468 - L.D. 1414

AN ACT to Extinguish Obsolete Mineral and Mining Rights.

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

14 MRSA §6662 is enacted to read:

§6662. Extinguishment of mineral rights

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Mineral" means all naturally occurring mineral deposits, including hydrocarbons and peat, but excluding sand, gravel and water.

B. "Mineral interest" means the interest in minerals which is created by an instrument transferring by grant, assignment, lease or otherwise, any interest in any mineral.

C. "Use of the mineral interest" means:

(1) Payment of rents or royalties for the option or exercise of mineral rights;

(2) Payment of any excise tax under Title 36, sections 2851 to 2865;

(3) Extraction of minerals from the ground in quantities in excess of that necessary to conduct exploratory activity; or