

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

CHAPTER 194

H.P. 862 - L.D. 1111

AN ACT to Amend the Competitive Bidding Procedure to Allow Negotiation for Petroleum Product Procurement.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the law pertaining to competitive bidding has been detrimental in the procurement of petroleum products in that it does not allow the State Purchasing Agent to take advantage of fluctuations in the market; and

Whereas, if the State Purchasing Agent had the authority to negotiate petroleum products, the State would be in a position to take advantage of price fluctuation; and

Whereas, if the present law is amended to negotiate in the purchase of petroleum products, the State Purchasing Agent could act quickly on behalf of the State in taking advantage of special sales or pricing strategy that may be offered; and

Whereas, if the State Purchasing Agent had more flexibility in negotiating petroleum product procurement, the State could deal with a greater number of suppliers; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA §1816, sub-§2, ¶¶B and C are amended to read:

B. In the opinion of the Governor an emergency exists of a nature which requires the immediate procurement of services, supplies, materials or equipment, the State Purchasing Agent may be authorized by the Governor to make purchases without the formality of competitive bidding;.

C. After reasonable investigation by the State Purchasing Agent, it appears that any required unit or item of supply, or brand of such unit or item, is procurable by the State from only one source; or

Sec. 2. 5 MRSA §1816, sub-§2, ¶D is enacted to read:

D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 29, 1983.

CHAPTER 195

H.P. 1091 - L.D. 1433

AN ACT Concerning Visitation Rights for Parents and 3rd Persons with Children Involved in Divorce or Custody Proceedings.

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

Sec. 1. 19 MRSA §214, first ¶, as amended by PL 1981, c. 174, §1, is further amended to read:

If the father and mother of a minor child are living apart from each other, the judge of probate or the Superior Court Justice or the District Court in the county where either resides, on complaint of either and after such notice to the other as he may order, may decree which parent shall have the exclusive care and custody of the person of such that minor, may apportion the care and custody of the said minor between the parents or may decree that the parents shall have joint custody of the minor, as the good of the child may require. The court may order reasonable rights of visitation with the minor child to a parent of the child, to any 3rd persons, or to both. The court shall not consider abandonment of the family residence as a factor in determining custodial rights when the abandoning party has been physically harmed or seriously threatened with physical harm by his spouse, when that harm or threat of harm by his spouse was causally related to the abandonment. He may order either parent of the minor