

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

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Chapters 1-384

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PUBLIC LAWS
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he may not be charged with illegal transportation. No minor may be charged with more than one offense under this section in any given instance wherein in which the same set of facts is involved.

Effective September 19, 1985.

CHAPTER 86

S.P. 124 - L.D. 364

AN ACT to Allow the Use of Bid Bonds on State Highway Projects.

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

Sec. 1. 23 MRSA §453, first ¶, as amended by PL 1975, c. 771, §250, is further amended to read:

The department shall prepare all engineering plans and specifications for materials, construction and workmanship which it considers necessary for the complete construction of the bridge structure, approaches and for maintenance of traffic and, as soon as practicable after being advised that the municipal officers are authorized to raise the town's share of the estimated cost of such construction, shall requisition the county and city or town for their respective portions of the estimated cost of construction as provided in section 452, and except as otherwise provided in this section, advertise for bids for the construction of the bridge in 2 or more public newspapers printed wholly or in part in the State, and in one public newspaper printed wholly or in part in the county in which the proposed work is to be done, if any such newspaper is so printed in such county. Such advertisement shall state the place where the bidders may examine or obtain the plans and specifications, and the time and place where the bids for such work will be received by the department. Each bidder must accompany his bid with a cashier's check or a certified check, or a United States postal money order good and sufficient bid bond in favor of the State for the benefit of the department, executed by a corporate surety authorized to do business in the State, or certain securities, payable to the Treasurer of State, for an amount which the department considers sufficient to guarantee that if the work is awarded

to him, he will contract with the department for its due execution. "Securities" shall include official bank checks, cashier's checks, certified checks, certificates of deposit or United States postal money orders. Such ~~checks or money orders~~ securities shall be returned to the respective unsuccessful bidders. The ~~check or money order~~ security or bond of the successful bidder shall be returned to him upon the execution and delivery to the department of his contract and his bond with sufficient sureties, in terms satisfactory to the department for the due execution of such work. All bids so submitted shall be publicly opened, read and posted at the time and place stated in such advertisement. The department shall have the right to reject any and all bids if in its opinion good cause exists therefor, but otherwise it shall award the contract to the lowest responsible bidder. Any town may submit bids for bridge construction within its limits and shall be subject to all requirements prescribed for other contractors, except that no bond need be required of it. The department may provide for the construction of the bridge on a day labor basis, or with approval of the Governor, by contract without advertising for bids. The department shall have full power in all matters relating to the furnishing of bonds by the successful bidders for the completion of their work and fulfilling of their contracts. These bonds shall protect fully the State, county and town from all liability arising from damage or injury to persons or property as a result of the contractor's operations. The county commissioners of any county where a bridge is built or rebuilt in any unorganized township are authorized and required to assess upon said township such sums as may be required to build or rebuild said bridge according to the last state valuation. This expense shall be added to their assessment on said township for repairs authorized by section 4051, which assessment shall create a lien upon said township for the amount thereof as effectually as is now provided in relation to repairs on county roads. The portion of such expense to be assessed in any one year shall be determined by the county commissioners, but in no case shall the total expense be distributed over a period of more than 5 years. That portion of said assessment which is for building or rebuilding said bridge shall be set down in the assessment in distinct items in a separate column and shall be enforced as is provided in section 4104.

Sec. 2. 23 MRSA §753, as amended by PL 1975, c. 771, §252, is further amended to read:

§753. Contracts for construction

The department shall have full power in the letting of all contracts for the construction of all state highways and other work under its jurisdiction, except as otherwise provided. The department shall make all surveys, plans, estimates, specifications and contracts for all proposed work and shall, except as otherwise provided in chapters 1 to 19, advertise for bids for the same in 2 or more public newspapers printed wholly or in part in the State, and in one public newspaper printed wholly or in part in the county where the proposed work is to be done, if any such newspaper is so printed in such county. Such advertisement shall state the place where the bidders may examine the plans and specifications, and the time and place where the bids for such work will be received by the department. Each bidder must accompany his bid with an official bank check, a cashier's check, a certified check, a certificate of deposit or a United States postal money order a deposit of a good and sufficient bid bond in favor of the State for the benefit of the department, executed by a corporate surety authorized to do business in the State, or certain securities, payable to the Treasurer of State, for an amount which the department considers sufficient to guarantee that if the work is awarded to him, he will contract with the department for its due execution. "Securities" shall include official bank checks, cashier's checks, certified checks, certificates of deposit or United States postal money orders. Such checks or money orders securities shall be returned to the respective unsuccessful bidders. The check or money order security or bond of the successful bidder shall be returned to him upon the execution and delivery to the department of his contract and his bond with sufficient sureties, in terms satisfactory to the department for the due execution of such work. All bids so submitted shall be publicly opened and read at the time and place stated in such advertisement. The department shall have the right to reject any and all bids, if in its opinion good cause exists, but otherwise it shall award the contract to the lowest responsible bidder. Any town may submit bids for state highway construction within its limits, and shall be subject to all requirements prescribed for other contractors, except that no bond need be required of it. The department may construct state highways by day labor without advertising for bids; and may, with the approval of the Governor, award contracts for state highways without advertising for bids, if the same shall be for the best interest of the State. The department shall have full

power in all matters relating to the furnishing of bonds by the successful bidders for the completion of their work and fulfilling of their contracts, and for the protection of the State and town from all liability arising from damage or injury to persons or property.

Effective September 19, 1985.

CHAPTER 87

S.P. 120 - L.D. 335

AN ACT to Protect Tenants when Landlords Fail to Pay Utility Bills.

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

35 MRSA §316 is enacted to read:

§316. Tenants not liable for a landlord's utility bills

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

A. "Landlord" means any entity who rents or leases land or structures to others for compensation or any entity who manages or controls such property on behalf of another.

B. "Rental property" means property used or occupied by any tenant for which rent is paid to a landlord.

C. "Tenant" means any entity who pays rent to any landlord for the use or occupation of any land or structure owned by another or who occupies or uses such property, regardless of whether the tenancy is subject to a written lease.

2. Disconnection of tenant. In every instance where the landlord has applied for and is granted utility service, the landlord is responsible for payment for that service with respect to any rental property. The utility may not demand payment from the tenant for utility service to the tenant because of the landlord's failure to pay for utility service