

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION
October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION
October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 13, 1993

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TITLE 3, SECTION 163-A, SUBSECTION 4.

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Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

available for inspection until after the bid is awarded. The proposal must state that the school board reserves the right to reject a bid and does not accept responsibility for costs incurred by a bidder in the preparation of a proposal. The proposal must state that all bidders are notified of the outcome in writing no later than 20 days after the bid closing date;

(h) The name, address and optionally a facsimile number of a school board contact person to whom written questions may be addressed. The proposal must state that the school board will reply to questions submitted in writing before a specified deadline with copies of the questions and answers to be provided in writing to all bidders; and

(i) A statement that the successful bidder must present an insurance binder to the school board within 5 days of the award and no later than the expiration date of the existing policy. Failure to do so disqualifies the award and the award is then made to the next highest-rated bidder who was in compliance with the proposal. The proposal must state that all decisions regarding the award are final.

(3) Each bidder on the registry of bidders must be provided with a questionnaire and proposal 4 months before the expiration of the policy or policies being sought. Each bidder must complete and return the questionnaire before the stated date and time as specified in the questionnaire. In addition, a bidder must state in the order of preference the insurers they prefer to solicit on the school board's behalf. The school board shall then have 3 persons independently review a questionnaire on the basis of the established criteria. The reviewers shall document the scoring and select all qualified bidders, but no more than the 5 highest-rated, to participate further in the process.

(4) The school board shall allocate to each selected bidder at least one insurer from which to solicit a bid. This market allocation must be made on the basis of awarding the bidder's first choice to the bidder. If there is a conflict, an incumbent broker is given preference over the school board's incumbent insurer. Allocation is then made on the basis of highest-qualifying score. Once

market allocation is complete, a new bid closing date must be set for 30 days before the policy expiration date for submission of insurer bids.

(5) The school board shall have 3 persons independently review each submitted bid on the basis of the established criteria. The reviewers shall document the scoring and substantive information that supports the scoring and make the award decision. Interviews may be considered within the review. Award must be made to the highest-rated proposal that conforms to the proposal. Tie scores must be resolved on the basis of factors considered by the school board to serve the best interests of the school system. Minor negotiations not affecting the bid price more than 5% after notice of award are allowed and, if agreement can not be reached, the proposal may be rejected and the award made to the next highest-rated bidder who is in compliance with the proposal. Written records must be kept by each person reviewing or ranking proposals. The award of the bid must then be announced publicly. All bidders must be notified in writing no later than 5 days after the award is made. The successful bidder shall submit, in accordance with the proposal, a written binder of insurance within 5 days of the award and no later than the expiration date of the expiring policy. All decisions regarding awards are final.

Sec. 2. Further study of competitive bidding.

During the Second Regular Session of the 116th Legislature, the Joint Standing Committee on Education shall study the use of competitive bidding for the purchase of workers' compensation insurance and employee benefit insurance, including life, disability and health insurance, and prepare recommendations for consideration by the Second Regular Session of the 116th Legislature.

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

Effective July 12, 1993.

CHAPTER 424

H.P. 1169 - L.D. 1563

An Act to Clarify that Incineration is a Form of Disposal under the State's Solid Waste Laws

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

Whereas, prior to the effective date of Public Law 1993, chapter 355, the incineration of hazardous and biomedical waste and waste oil was defined under state law as a method of disposal and was not considered a form of treatment; and

Whereas, Public Law 1993, chapter 355 changed those definitions to include incineration of hazardous waste and waste oil as a form of treatment; and

Whereas, the implications of that change for hazardous waste management may be more extensive than previously realized; and

Whereas, the reference to biomedical waste was inadvertently omitted; 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. 38 MRSA §1303-C, sub-§12, as amended by PL 1993, c. 355, §46, is further amended to read:

12. Disposal. "Disposal" means the discharge, deposit, dumping, spilling, leaking or placing of any hazardous, biomedical or solid waste, waste oil, refuse-derived fuel, sludge or septage into or on any land, air or water and the incineration of any hazardous or solid waste, refuse-derived fuel, sludge or septage so that the hazardous, biomedical or solid waste, waste oil, refuse-derived fuel, sludge or septage or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground waters.

Sec. 2. 38 MRSA §1303-C, sub-§39, as amended by PL 1993, c. 355, §47, is further amended to read:

39. Treatment. "Treatment" means any process ~~including but not limited to incineration~~ designed to change the character or composition of any hazardous waste ~~or waste oil, as defined in rules adopted under section 1319-O, subsection 2~~; so as to render the waste less hazardous. "Treatment" also means any process ~~including but not limited to incineration~~ designed to change the character of composition of any waste oil, as defined in rules adopted under section 1319-O, subsection 2, or biomedical waste so as to render the waste less hazardous.

Sec. 3. Retroactivity. This Act takes effect retroactively to June 16, 1993.

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

Effective July 12, 1993.

CHAPTER 425

H.P. 425 - L.D. 544

An Act Regarding Missing Children

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, the model federal statute on missing children was enacted in 1982; and

Whereas, only 8 states have not enacted similar legislation; 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. 25 MRSA §2151, as amended by PL 1991, c. 201, is repealed.

Sec. 2. 25 MRSA §§2152 to 2156 are enacted to read:

§2152. Short title

This chapter may be known and cited as the "Missing Children Act."

§2153. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Clearinghouse. "Clearinghouse" means the Missing Children Information Clearinghouse established pursuant to section 2155.