

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1997

CHAPTER 284

H.P. 1201 - L.D. 1701

An Act to Promote Economic Independence for Low-income Families**Be it enacted by the People of the State of Maine as follows:****Sec. 1. 22 MRSA §3741-M** is enacted to read:**§3741-M. Nontraditional job training and placement services**

The department shall contract with a statewide nonprofit corporation with a proven history of successfully training and placing women in nontraditional trade and technical occupations to provide nontraditional job training and placement services for women receiving assistance under the temporary assistance to needy families program.

See title page for effective date.

CHAPTER 285

S.P. 294 - L.D. 945

An Act to Establish Basic Standards and Procedures for Personal Services Contracting by the State**Be it enacted by the People of the State of Maine as follows:****Sec. 1. 5 MRSA §1816-A** is enacted to read:**§1816-A. Personal services contracting**

1. Conditions; general. Except for contracts requiring specific legislative approval, personal services contracting is permissible when any one of the following conditions is met.

A. The services contracted are not currently available within a state agency, can not be performed satisfactorily by civil service employees or are of such a highly specialized or technical nature that the necessary expert knowledge, experience or ability is not available through the civil service system.

B. The services are incidental to a contract for the purchase or lease of real or personal property. Contracts under this criterion, known as service agreements, include, but are not limited to,

agreements to service or maintain office equipment or computers that are leased or rented.

C. The legislative, administrative or legal goals and purposes can not be accomplished by using persons selected pursuant to the civil service system. Contracts are permissible under this criterion to protect against a conflict of interest or to ensure independent and unbiased findings when there is a clear need for a different outside perspective.

D. A state agency needs private counsel because a conflict of interest on the part of the Department of the Attorney General prevents it from representing the agency without compromising the agency's position. A contract entered into under this condition requires the written consent of the Attorney General.

E. The contractor provides equipment, materials, facilities or support services that the State can not feasibly provide in the location where the services are to be performed.

F. The contractor conducts training courses for which appropriately qualified civil service instructors are not and can not be made available.

G. The services are of such an urgent, temporary or occasional nature that the delay incumbent in implementation under civil service would frustrate the purpose.

H. The contracting agency demonstrates a quantifiable improvement in services that can not be reasonably duplicated within existing resources.

2. Conditions; cost savings. Personal services contracting is permissible to achieve actual cost savings when all the following conditions are met.

A. The contracting agency clearly demonstrates that the proposed contract would result in actual overall cost savings to the State as long as, in comparing costs:

(1) The State's costs of providing the same service as proposed by a contractor are included. These costs must include the salaries and benefits of additional staff that would be needed and the cost of additional space, equipment and materials needed to perform the service; and

(2) Any continuing state costs directly associated with a contractor providing a contracted function are included. These continuing state costs include, but are not limited to, those costs for inspection, supervision, monitoring and any pro rata share of