

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
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NON-EMERGENCY LAWS IS
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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

existing costs or expenses, including administrative salaries and benefits, rent, equipment costs, utilities and materials.

B. The contract does not adversely affect the State's affirmative action efforts.

C. The contract is awarded in accordance with section 1825-B.

D. The contract includes specific provisions pertaining to the qualifications of the staff that is to perform the work under the contract, as well as a statement that the contractor's hiring practices meet applicable affirmative action and antidiscrimination standards.

E. The potential for future economic risk to the State from potential rate increases or work interruptions by the contractor is minimal.

F. The contract is with a firm or a licensed, registered or otherwise professionally qualified individual. For the purposes of this section, "firm" means a corporation, partnership, nonprofit organization or sole proprietorship.

G. The potential economic advantage of contracting is not outweighed by the public's interest in having a particular function performed directly by State Government.

H. The contract does not contain standards of performance or employee qualifications lower than existing state standards or minimum qualifications.

3. Contract information retained. Departments or agencies submitting proposed contracts shall retain all data, including written findings, relevant to the contracts and necessary for a specific application of the standards set forth in subsections 1 and 2.

Sec. 2. Application. This Act applies to proposals for new contracts and the renewal process for existing contracts as they occur on and after the effective date of this Act.

See title page for effective date.

CHAPTER 286

H.P. 783 - L.D. 1071

An Act to Ensure That Crime Victims Are Informed of Their Rights

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

Sec. 1. 17-A MRSA §1172, sub-§2, as enacted by PL 1995, c. 680, §5, is amended to read:

2. When providing notice under subsection 1, the attorney for the State shall offer to provide the victim with a pamphlet containing this chapter, Title 5, chapter 316-A and Title 15, sections 812 and 6101. In addition, the attorney for the State, as part of any victim and witness support program that attorney administers under Title 30-A, section 460, shall provide the victim with a pamphlet outlining in every day language the provisions set out in this chapter, Title 5, chapter 316-A and Title 15, sections 812 and 6101. The attorney for the State may use the pamphlet printed and distributed by the Department of Corrections or another pamphlet that meets the criteria in this section.

See title page for effective date.

CHAPTER 287

S.P. 260 - L.D. 868

An Act Regarding the Form of Motorcycle License Plates

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

Sec. 1. 29-A MRSA §515-A is enacted to read:

§515-A. Motorcycle registration plates

Motorcycle registration plates must bear the words "Ride Safe." Motorcycle registration plates issued prior to January 1, 1998 may be replaced, upon a registrant's request, by plates issued under this subsection. The registrant shall surrender the original plates and pay a one-time \$5 fee for the replacement plates.

Motorcycle plates issued under sections 457 and 517 are exempt from this subsection.

Sec. 2. Effective date. This Act takes effect January 1, 1998.

Effective January 1, 1998.

CHAPTER 288

H.P. 1224 - L.D. 1736

An Act to Register New Property for the Thorncrag Bird Sanctuary with the Department of Inland Fisheries and Wildlife