

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

required as a condition precedent to the termination of coverage.

**5. Continued coverage.** An insurer's obligation to issue or offer continued coverage to a group member under this chapter may be satisfied by the issuance or offer of a comparable nongroup policy.

### **§2953. Rulemaking**

The superintendent may adopt rules, which are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A, establishing specific requirements and procedures for group property and casualty policies, certificates of coverage and rates, consistent with the purposes of this chapter. These rules may specify additional types of insurance that may be issued on a group basis and the types of groups that may be policyholders, if the superintendent determines that the issuance of multiple individual policies to group members in accordance with chapter 40 does not adequately address the needs of the market.

See title page for effective date.

## **CHAPTER 139**

**H.P. 703 - L.D. 918**

### **An Act to Amend the Public Drinking Law**

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

**Sec. 1. 17 MRSA §2003-A, sub-§2,** as amended by PL 1991, c. 157, is repealed and the following enacted in its place:

**2. Crime.** A person is guilty of public drinking if the person drinks liquor in any public place within 200 feet of a notice posted conspicuously in the public place by the owner or authorized person that forbids drinking in the public place or after being forbidden to do so personally by a law enforcement officer, unless the person has been given permission to do so by the owner or authorized person.

See title page for effective date.

## **CHAPTER 140**

**S.P. 211 - L.D. 776**

### **An Act to Authorize the Department of Transportation to Use the Design-Build Method of Project Delivery**

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

**Sec. 1. 23 MRSA §753-A** is enacted to read:

### **§753-A. Design-build contracts**

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

**A. "Best value"** means the highest overall value to the State, considering quality and cost.

**B. "Department"** means the Department of Transportation.

**C. "Design-build contracting"** means a method of project delivery whereby a single firm is contractually responsible to perform design, construction and related services.

**D. "Major participant"** means any firm that would have a major role in the design or construction of the project as specified by the department in the request for proposals.

**E. "Project"** means the highway, bridge, railroad, pier, airport, trail, ferry vessel, building or other improvement being constructed or rehabilitated, including all professional services, labor, equipment, materials, tools, supplies, warranties and incidentals needed for a complete and functioning product.

**F. "Proposal"** means an offer by the proposer to design and construct the project in accordance with all request-for-proposals provisions for the price contained in the proposal.

**G. "Proposer"** means an individual, firm, corporation, limited liability company, partnership, joint venture, sole proprietorship or other entity that submits a proposal. After contract execution, the successful proposer is the design-builder.

**H. "Quality"** means those features that the department determines are most important to the project. Quality criteria may include quality of design, constructability, long-term maintenance costs, aesthetics, local impacts, traveler and other user costs, service life, time to construct and other factors that the department considers to be in the best interest of the State.

**2. Authorization.** Notwithstanding section 753 or any other provision of law, the department may use design-build contracting to deliver projects. The department may evaluate and select proposals on either a best-value or low-bid basis. If the scope of work requires substantial engineering judgment, the