

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

2. Method of calculation; inflation index defined. The inflation index for 2003 is 1.118, representing annual inflation adjustments for the years 1999 to 2002, inclusive. Starting in 2004 and every year thereafter, the inflation index is the Consumer Price Index as defined in section 5402, subsection 1 for the calendar year ending on the December 31st immediately preceding the calculation date, divided by the Consumer Price Index for the prior calendar year.

3. Exclusion. This section does not apply to internal combustion engine fuel purchased or used for the purpose of propelling jet or turbojet engine aircraft.

4. Legislative review. Starting in 2003 and each odd-numbered year thereafter, the Department of Transportation shall submit a bill by the cloture date established for departments and agencies that repeals any adjustment in fuel tax rates in the upcoming biennium resulting from the operation of this section.

Sec. 9. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Bureau of Revenue Services

Initiative: Provides funds on a one-time basis for computer programming and on an on-going basis for forms printing and processing associated with certain changes in Highway Fund revenues.

General Fund	2001-02	2002-03
All Other	\$0	\$16,655

See title page for effective date.

CHAPTER 689

H.P. 1483 - L.D. 1984

An Act to Modernize the Procurement Practices at the Department of Transportation

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

Sec. 1. 23 MRSA §753, as amended by PL 1989, c. 208, §20, is further amended to read:

§753. Contracts for construction

The department shall have has 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 electronically through the department's publicly accessible site on the Internet or through notices in newspapers. If through newspaper notices, advertisements must appear 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 that county. Such The advertisement shall must state the place where the bidders may examine the plans and specifications, and the time and place where the bids for such the work will be received by the department. Each bidder must accompany his that bidder's bid with 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, as defined in Title 14, section 871, subsection 3, payable to the Treasurer of State, for an amount which that the department considers sufficient to guarantee that if the work is awarded to him that bidder, he the bidder will contract with the department for its due execution. All bids so submitted shall must be publicly opened and read at the time and place stated in such the advertisement. The department shall have has the right to reject any and all bids, if in its opinion good cause exists, but otherwise it the department shall award the contract to the lowest responsible bidder. Any town may submit bids for state highway construction within its limits, and shall be is subject to all requirements prescribed for other contractors, except that no a bond need be is not required of it the town. 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 is for the best interest of the State.

The department may adopt its own standard contract specifications. ~~Notwithstanding any other federal or state law, the~~ The department's standard specifications shall must be utilized in lieu of federally mandated contract clauses.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

TRANSPORTATION, DEPARTMENT OF

Highway and Bridge Improvements

Initiative: Provides deallocations to reflect the saving that will be realized by allowing the Department of Transportation to post advertisements for bids on construction on the Internet instead of posting legal notices in newspapers.

Highway Fund	2001-02	2002-03
All Other	\$0	(\$10,000)
Highway Fund Total	\$0	(\$10,000)

Federal Expenditures Fund	2001-02	2002-03
All Other	\$0	(\$40,000)
Federal Expenditures Fund Total	\$0	(\$40,000)

See title page for effective date.

CHAPTER 690

H.P. 1432 - L.D. 1929

An Act to Stabilize the Funding of the Department of Inland Fisheries and Wildlife

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

PART A

Sec. A-1. 12 MRSA §7017, sub-§§9 and 10 are enacted to read:

9. Fiscal Stability Program. The Fiscal Stability Program is established to ensure that the general public and hunters and anglers share the cost of the fish and wildlife conservation programs of the Department of Inland Fisheries and Wildlife. To achieve this goal, beginning with the 2004-2005 biennial budget and for each biennial budget thereafter, the biennial budget submitted by the executive branch must include a General Fund appropriation of 18% of the department's requested biennial budget. General Fund appropriations to the Fiscal Stability Program may not be considered to be amounts appropriated to the department under the Constitution of Maine, Article IX, Section 22.

10. WE CARE support program. The Wildlife Enthusiast's Conservation Appreciation, Recreation and Enjoyment, or "WE CARE," support program is established to encourage voluntary support for the programs and services provided by the Department of Inland Fisheries and Wildlife. The fee for participating in this program is \$19. All money generated pursuant to this subsection must be deposited in the Maine Endangered and Nongame Wildlife Fund established in section 7757.

Sec. A-2. 12 MRSA §7073, sub-§1, as enacted by PL 1979, c. 420, §1, is amended to read:

1. Form. The commissioner shall furnish application blanks, licenses and permits in such form as ~~he~~ the commissioner may designate. The department may charge a fee of up to \$10 to cover administrative costs for the issuance of miscellaneous licenses and permits that do not have a fee provided by law.

Sec. A-3. 12 MRSA §7076, sub-§10, as amended by PL 1993, c. 419, §4, is further amended to read:

10. Boys and girls camps. Upon application, the commissioner shall issue to a ~~boys' boys or girls' girls~~ camp a camp fishing license ~~which that~~ will permit any of the boys or girls, under 16 years of age, to fish in the lake or pond adjacent to the main camp. The fee for this permit is \$75.

A. The fees for this license are as follows:

	1993	1994	1995	1996 and after
Camps with an enrollment of fewer than 50 campers	\$44	\$46	\$47	\$48
Camps with an enrollment of 50 to 75 campers	\$69	\$71	\$72	\$73
Camps with an enrollment of more than 75 campers	\$100	\$102	\$103	\$104

B. Persons who fish under a camp fishing license, as provided in this subsection, ~~shall be~~ are subject to chapters 701 to 721.

Sec. A-4. 12 MRSA §7109, sub-§2, as enacted by PL 1983, c. 807, Pt. L, §2, is amended to read:

2. Fee. The fee for a migratory waterfowl hunting permit ~~shall be \$2.50~~ is \$5.50, 25¢ of which ~~shall~~ must be retained by the agent.

Sec. A-5. 12 MRSA §7110, sub-§3, as amended by PL 1993, c. 419, §11, is repealed and the following enacted in its place:

3. Issuance; fee. The commissioner, through the commissioner's authorized agent, shall issue a bear hunting permit to eligible persons. Beginning in 2003, the annual fee for each permit issued is \$25 for residents and \$65 for nonresidents.

Sec. A-6. 12 MRSA §7154, sub-§3, as repealed and replaced by PL 1995, c. 455, §12, is repealed and the following enacted in its place:

3. Fee. The fee for a bass tournament permit is:

C. For weigh-in tournaments, \$50 per day; and