

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2008 to March 31, 2008**

**FIRST SPECIAL SESSION**  
**April 1, 2008 to April 18, 2008**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 30, 2008**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 18, 2008**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2008**

of condition and income, meet or exceed the requirements for well-capitalized financial institutions.

C. If the letter of credit has an expiration date that is earlier than the date of acceptance of performance of the contract in accordance with the plans, specifications and conditions of the contract, a replacement letter of credit that meets the specifications of paragraph A must be delivered to the State or other contracting authority not later than 30 days prior to that expiration date.

**Sec. 3. 14 MRSA §871, sub-§4**, as amended by PL 1973, c. 625, §82, is further amended to read:

**4. Actions.** Any person who has furnished labor or material to the contractor or to a subcontractor of the contractor in the prosecution of the work provided for in ~~such a~~ contract in respect to which a payment bond has been furnished under subsection 3, paragraph B, and who has not been paid in full before the expiration of 90 days after the day on which the last of the labor was performed by ~~him~~ that person or material was furnished or supplied by ~~him~~ that person for which ~~such a~~ claim is made, ~~shall have the right to may~~ bring an action on ~~such the~~ payment bond in ~~his~~ that person's own name for the amount, or the balance thereof, unpaid at the time of the institution of ~~such the~~ action. Any such claimant having a direct contractual relationship with a subcontractor of the contractor furnishing ~~such a~~ payment bond but no contractual relationship, express or implied, with ~~such that~~ contractor ~~shall does~~ not have the right of action upon ~~such that~~ payment bond unless ~~he shall have~~ the claimant has given written notice to ~~such the~~ contractor within 90 days from the date on which ~~such the~~ claimant performed the last of the labor, or furnished or supplied the last of the material for which ~~such the~~ claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the material was furnished or supplied or for whom the labor was done or performed. Such a notice ~~shall must~~ be served by registered or certified mail, postage prepaid, in an envelope addressed to the contractor at any place ~~he the contractor~~ maintains an office or conducts ~~his~~ the contractor's business, or at ~~his the contractor's~~ residence.

~~Every action on said payment bond shall be brought in the county in which the principal or surety has its principal place of business. No~~ Any such action may not be commenced after the expiration of one year from the date on which the last of the labor was performed or material was supplied for the payment of which ~~such the~~ action is brought. ~~Provided, except~~ that in the case of a material supplier, ~~where when~~ the amount of the claim is not ascertainable due to the unavailability of final quantity estimates, ~~such the~~ action may be commenced before the expiration of one year from the date on which the final quantity estimates are determined. The notice of claim from the material supplier

to the contractor furnishing the payment bond ~~shall must~~ be filed before the expiration of 90 days following the determination by the contracting authority of the final quantity estimates.

The contracting body and the agent in charge of its office shall furnish to anyone making written application therefor who states that ~~he the person~~ has supplied labor or materials for such work, and payment therefor has not been made, or that ~~he the person~~ is being sued on any such bond, or that ~~he the person~~ is the surety thereon, a certified copy of ~~such the~~ bond and the contract for which it was given, which copy ~~shall be~~ is prima facie evidence of the contents, execution and delivery of the original. Applicants shall pay for ~~such the~~ certified copies such reasonable fees as the contracting body or the agent in charge of its office fixes to cover the actual cost of preparation thereof.

**Sec. 4. 14 MRSA §871, sub-§6** is enacted to read:

**6. Jurisdiction.** An action on a performance bond furnished under subsection 3, paragraph A or an action on a payment bond furnished under subsection 3, paragraph B in accordance with subsection 4 must be brought in the county in this State where the construction, alteration or repair of the public building or other public improvement or public work is located.

See title page for effective date.

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**CHAPTER 501  
S.P. 684 - L.D. 1881**

**An Act To Improve  
Transparency and  
Accountability in Government**

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

**Sec. 1. 1 MRSA §408, sub-§1**, as enacted by PL 2003, c. 709, §2, is amended to read:

**1. Right to inspect and copy.** Except as otherwise provided by statute, every person has the right to inspect and copy any public record during the regular business hours of the agency or official having custody of the public record within a reasonable period of time after making a request to inspect or copy the public record. An agency or official may request clarification concerning which public record or public records are being requested, but in any case the agency or official shall acknowledge receipt of the request within a reasonable period of time.

See title page for effective date.

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