

MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE ON
STATE GOVERNMENT
BILL SUMMARY



MAY 1986

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BILL SUMMARIES
MAY 1986

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature, covering the Second Regular Session of the 112th Legislature. The summaries are arranged by LD number under each committee.

All Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "CA" if it is a committee amendment. If the amendment was adopted in the House, the letter H appears after the sponsor. If it was adopted in the Senate, the letter S appears.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-AM	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

SUMMARY: LD 1748 enacted as P.L. 1985, c. 528, allows state agencies to adopt emergency rules prior to sending the rules to the Executive Director of the Legislative Council. Prior to the enactment of this law, emergency rules could not be adopted until copies of rules were sent to the Legislative Administrative Director (Executive Director, Legislative Council) at least 20 days prior to adoption. This requirement seriously impaired the intent of adopting emergency rules.

**LD
1758**

AN ACT TO CLARIFY SALES OF SURPLUS VEHICLES AT
STATE AUCTION

ND LD 2047

Sponsor: COTE, Nadeau, G.R., Lacroix
Committee Report: OTP-ND

SUMMARY: LD 1758, in its original form, proposed to exempt the State from the Used Car Information Act by excluding the State from the definition of a used car dealer.

The State sells used state vehicles including cars, trucks, and loaders at auction twice a year. State statistics indicate that for fiscal year 1984-85, a total of \$395,675 was derived from motor vehicle auction sales. Of this amount, \$95,050 was derived from the September, 1984 auction; and \$300,625 was derived from the June, 1985 auction.

Motor vehicle dealers are significant buyers of these used vehicles. According to Bureau of Purchases' figures, dealers purchased roughly 35% of used state vehicles.

Some motor vehicle dealers complained that the State should comply with the Used Car Information Act, and that the State serves as a broker and dealer when the state sells vehicles at auction.

According to the Bureau of Purchases, the state used to trade in all its vehicles on new ones. But, the state only received a few hundred or only \$100 per vehicle for the trade-in. By auctioning the vehicles, the State derives substantially greater revenues which also increases the cost of these vehicles to motor vehicle dealers.

The Attorney General's office pointed out to the Bureau of Purchases that the law was sufficiently vague to be interpreted to establish the State as a dealer under the Used Car Information Act.

The Committee redraft of the bill, LD2047, which has been enacted into law as P.L. 1986, chapter 569, is intended to provide information to purchasers of vehicles at state auctions. According to the new law, the State is exempt from liability for any vehicles sold at auction, but the vehicles must be inspected at least 6 months before the auction, and any deficiencies must be listed on the vehicle. Any vehicle which does not pass inspection but does not pose a serious threat to the safety of the general public may obtain a temporary certification for operation from the state auction to a designated destination point.

LD 1763 AN ACT TO CLARIFY THE SURETY BONDING PROCESS
FOR CONTRACTORS

PL 1985
c. 554

Sponsor: LACROIX, Boutilier, Cote, Descoteaux
Committee Report: OTP-AM

H-505 CA H S

SUMMARY: LD 1763 makes consistent the surety bonding provisions relating to public works. Prior to adoption of the bill, surety bonding provisions appeared in Title 5 (Bureau of Public Improvements), Title 14 (Civil Actions), and in title 23 (Department of Transportation). These various provisions were not consistent.

LD 1763 also "opens" the door to other forms of securities for bid proposals provided to BPI, the Department of Transportation, etc. Currently, only bonds are acceptable securities. LD 1763 expands the types of securities to U.S. Postal Money Orders, official bank checks, certificates of deposit, escrow accounts, etc.

Prior to enactment of the act the State of Maine required a contractor who presents a bid proposal on a state contract to post a bid bond to provide the state assurance that the contractor, if awarded the contract, will sign the contract and complete the project. There have been occasions when a contractor, who has 30 days to sign the contract, has returned the contract unsigned, and accepted another contract that will produce a greater return to the contractor than the state contract.