

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
State and Local Government*

May 2004

Members:

Sen. Margaret Rotundo, Chair

Sen. Lloyd P. LaFountain III

Sen. Carolyn M. Gilman

Rep. Janet L. McLaughlin, Chair

Rep. George H. Bunker, Jr.

Rep. Christopher R. Barstow

Rep. Susanne P. Ketterer

Rep. Edward J. Suslovic

Rep. Anita Peavey-Haskell

Rep. Robert H. Crosthwaite

Rep. Stephen Bowen

Rep. Oscar C. Stone

Rep. Gary E. Sukeforth

Staff:

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Maine State Legislature



*Office Of Policy And Legal Analysis
Office Of Fiscal And Program Review*

*121st Maine Legislature
Second Regular Session and
Second Special Session*

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla/billsumm.htm).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
- CONF CMTE UNABLE TO AGREE Committee of Conference unable to agree; bill died
- DIED BETWEEN BODIES..... House & Senate disagree; bill died
- DIED IN CONCURRENCE..... One body accepts ONTP report; the other indefinitely postpones the bill
- DIED ON ADJOURNMENT..... Action incomplete when session ended; bill died
- EMERGENCY Enacted law takes effect sooner than 90 days
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
- FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
- FAILED MANDATE ENACTMENT Bill imposing local mandate failed to get 2/3 vote
- NOT PROPERLY BEFORE THE BODY Ruled out of order by the presiding officers; bill died
- INDEF PP Bill Indefinitely Postponed
- ONTP..... Ought Not To Pass report accepted
- OTP-ND Committee report Ought To Pass In New Draft
- P&S XXX..... Chapter # of enacted Private & Special Law
- PASSED..... Joint Order passed in both bodies
- PUBLIC XXX..... Chapter # of enacted Public Law
- RESOLVE XXX..... Chapter # of finally passed Resolve
- UNSIGNED..... Bill held by Governor
- VETO SUSTAINED Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on State and Local Government

LD 1783

An Act To Clarify Prequalification Criteria for Public Improvements

PUBLIC 589

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	OTP-AM	H-666 S-428 ROTUNDO

LD 1783 proposed to clarify the definition of a contractor's "resources" by incorporating financial capacity, legal capacity, bonding capacity and relevant prior experience at the time of prebid qualification with projects of similar size, type and schedule. The bill further proposed to clarify that the decision of the Commissioner of Administrative and Financial Services on appeal is final, notwithstanding subchapter 7 of the Maine Administrative Procedure Act.

Committee Amendment "A" (H-666) proposed to clarify the definition of a contractor's "resources" by allowing the Director of the Bureau of General Services to consider a contractor's prior experience with projects of similar size and type at the time of prebid qualification. The amendment also proposed to remove the reference in the original bill that clarified that the decision of the Commissioner of Administrative and Financial Services on appeal is final, notwithstanding subchapter 7 of the Maine Administrative Procedure Act.

House Amendment "A" to Committee Amendment "A" (H-735) proposed to further clarify how a contractor's resources are evaluated by allowing the Director of the Bureau of General Services within the Department of Administrative and Financial Services to consider a contractor's prior experience, including any significant disparity in the size and type of a prior project or projects compared to the project under consideration, at the time of prebid qualification.

Senate Amendment "A" to Committee Amendment "A" (S-428) proposed to further clarify how a contractor's resources are evaluated by allowing the Director of the Bureau of General Services within the Department of Administrative and Financial Services to consider a contractor's prior experience, including any significant disparity between the size and type of prior projects and the project or projects under consideration at the time of prebid qualification.

Enacted Law Summary

Public Law 2003, chapter 589 clarifies how a contractor's resources are evaluated. Specifically, it allows the Director of the Bureau of General Services within the Department of Administrative and Financial Services to consider a contractor's prior experience, including any significant disparity between the size and type of prior projects and the project or projects under consideration at the time of prebid qualification.