

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Ensure an Efficient Contracting Process for the Department of Health and Human Services

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

Sec. 1. 5 MRSA §20002, sub-§3, as amended by PL 2011, c. 657, Pt. AA, §5, is further amended to read:

3. Tobacco use by juveniles. To enforce the State's laws relating to the sale and use of tobacco products by juveniles and to coordinate state and local activities related to those provisions. The department shall take all necessary actions to ensure compliance with the Synar Act, 42 United States Code, Section 300X-26, including the preparations of reports for the signature of the Governor. All law enforcement agencies, all state departments, including the Department of Public Safety, and municipalities shall cooperate with the department in these efforts.

The department may enter into any contracts or agreements necessary or incidental to the performance of its duties under this section, subject to section 20005, subsection 6 and Title 22-A, section 20005-A214. The department shall provide or assist in the provision of voluntary training programs regarding the sales of tobacco products to juveniles; and

Sec. 2. 5 MRSA §20005-A, as amended by PL 2017, c. 407, Pt. A, §§26 and 27, is repealed.

Sec. 3. 22-A MRSA §214, sub-§4, ¶A, as enacted by PL 2007, c. 539, Pt. N, §53, is amended to read:

A. The commissioner ~~shall~~may hold at least one informational meeting at least ~~30~~14 days before the due date for submission of the notice of intent to bid. ~~Any informational meeting must be advertised in newspapers of general circulation stating the location, date, time and purpose of the meeting. At the meeting the~~The commissioner shall provide detailed information to any interested party about the contract to be bid or rebid, provide notice of anticipated major changes from any previous contract and respond to questions.

Sec. 4. 22-A MRSA §214, sub-§4, ¶B, as enacted by PL 2007, c. 539, Pt. N, §53, is amended to read:

B. The commissioner ~~shall~~may require any interested party to submit a notice of intent to bid at least ~~30~~7 days before the date bids will be accepted as a precondition to submitting a formal bid. The notice of intent must contain minimal requirements that demonstrate a prospective bidder's competence and ability to comply with the requirements of the contract.

Sec. 5. 34-B MRSA §1208-A, as amended by PL 1995, c. 560, Pt. K, §21 and c. 691, §5, is repealed.

SUMMARY

This bill amends the law regarding performance-based contracts entered into by the Department of Health and Human Services to give the Commissioner of Health and Human Services discretion in holding informational meetings and requiring notices of intent to bid. The bill also repeals duplicative language regarding performance-based contracts.