

## CHAPTER 156

### DEPARTMENT CONTRACTS AND APPEAL OF DECISIONS

#### §1831. Rules

**1. Adoption of rules.** A department or agency of State Government, subject to chapters 141 to 152, purchasing services or awarding grants or contracts that are not subject to the authority of the Department of Administrative and Financial Services, as defined in chapters 153 and 155, shall establish a procedure by which these services are purchased or by which grants or contracts are awarded. This procedure must be adopted in accordance with the Maine Administrative Procedure Act and must be approved by the State Purchasing Agent prior to the procedure's adoption. The State Purchasing Agent shall ensure that the rules adopted under this section meet the standards of public notice, administrative review and rights to appeal as set forth in chapter 155, subchapter 1-A. A department or agency of State Government that does not adopt rules under this section is subject to rules adopted by the State Purchasing Agent under chapter 155, subchapter 1-A.

A. [PL 1989, c. 785, §3 (RP).]

B. [PL 1989, c. 785, §3 (RP).]

C. [PL 1989, c. 785, §3 (RP).]

D. [PL 1989, c. 785, §3 (RP).]

E. [PL 1989, c. 785, §3 (RP).]

F. [PL 1989, c. 785, §3 (RP).]  
[PL 2023, c. 405, Pt. A, §9 (AMD).]

**2. Limitation.** This section does not apply to purchase of supplies, services, materials and equipment or to public improvements, as described under chapters 153 and 155. This section does not apply to construction, improvement or repair of any and all ways, roads or bridges with appurtenances or other public improvements which by law are under the supervision of the Department of Transportation in accordance with section 1741.

[PL 1989, c. 165, §2 (AMD).]

**3. Application.** The procedure adopted by a department or agency under this section may be used by the department or agency for any qualifying purchase or award of a contract or grant. This section may not be construed to require the adoption of new procedures for every new purchase, contract or award. This section may not be construed to require the State Purchasing Agent or the Department of Administrative and Financial Services to approve any contract, grant or award that is not presently approved by the State Purchasing Agent or the Department of Administrative and Financial Services under chapters 153 and 155.

[PL 2023, c. 405, Pt. A, §10 (AMD).]

#### SECTION HISTORY

PL 1983, c. 188 (NEW). PL 1985, c. 785, §A76 (AMD). PL 1989, c. 165, §2 (AMD). PL 1989, c. 785, §3 (AMD). PL 2023, c. 405, Pt. A, §§9, 10 (AMD).

#### §1832. Contracts with day care facilities

**(REPEALED)**

#### SECTION HISTORY

PL 1985, c. 380, §1 (NEW).

### §1833. Workers' Compensation Management Fund

The Workers' Compensation Management Fund is established to provide for any expenses related to the resolution of workers' compensation claims including: records and information management; investigation; medical review; representation; rehabilitation; payment of compensation; appropriate medical expenses and other payments required by the Workers' Compensation Board; the settlement of cases; and other necessary expenses. [PL 1991, c. 885, Pt. D, §2 (AMD).]

The fund must be an internal service fund and be under the control of the Commissioner of Administrative and Financial Services and the supervision of the Bureau of Human Resources. The fund must be a continuing fund and may not lapse. The treasurer shall credit interest earned to the fund. [PL 1991, c. 780, Pt. Y, §72 (AMD).]

**1. Capitalization; premiums.** The fund is capitalized by legislative appropriations, payment from state departments and agencies and by other appropriate means.

On or before July 1st of each year, the Department of Administrative and Financial Services, Division of Employee Health and Benefits shall inform the State Budget Officer of quarterly premium charges for the fiscal year. The State Budget Officer shall advise any affected department or agency of the premium charges so that they may be incorporated into the normal budgetary process. An agency that does not have sufficient funding to pay the required premium charges shall request funds from the Legislature.

All state departments and agencies shall make premium payments to the fund at the beginning of each quarter based on charges to user departments. Premiums charged to user departments must be based on an analysis of the loss experience of each department, the reserve requirements related to departmental loss experience and the recovery of expenses as authorized in this section as related to each user department. Each department shall allocate the premium charge based on an analysis of the loss experience of each account or subdivision of account within the department. Premiums charged must be sufficient to ensure the continuation of the fund and shall be set by the commissioner.

Funds received from the reserve fund for self-insured retention losses under section 1731 must be repaid to that reserve fund through premiums charged except that, on the request of the commissioner, the Governor may waive repayment to the reserve fund when warranted and necessary. [PL 2013, c. 447, §1 (AMD).]

**2. Transitional clause.**  
[PL 2013, c. 447, §2 (RP).]

#### SECTION HISTORY

PL 1989, c. 501, §P16 (NEW). PL 1991, c. 780, §§Y72,73 (AMD). PL 1991, c. 885, §D2 (AMD). PL 2013, c. 447, §§1, 2 (AMD).

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