

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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

J.S. McCarthy Company
Augusta, Maine
1995

individual presently or formerly living together with the actor as a sexual partner. Professing to be a spouse is not necessary to constitute "living as spouses."

Sec. 10. 19 MRSA §762, sub-§4, as amended by PL 1995, c. 469, §3, is further amended to read:

4. Family or household members. "Family or household members" means spouses or former spouses, individuals presently or formerly living together as spouses, natural parents of the same child, adult household members related by consanguinity or affinity or minor children of any household member when the defendant is an adult household member and for the purposes of this chapter only, includes individuals presently or formerly living together as and individuals who are or were sexual partners. Holding oneself out to be a spouse is not necessary to constitute "living as spouses."

Sec. 11. 19 MRSA §763, as amended by PL 1991, c. 760, §5, is further amended by inserting at the end a new paragraph to read:

A juvenile may be a party to an action under this chapter only when the juvenile has a representative through whom the action is brought or defended pursuant to the Maine Rules of Civil Procedure, Rule 17(b). The Department of Human Services may act as a representative of the juvenile. If any notice or service is required by this chapter, the notice or service must be provided to both the juvenile and the juvenile's representative.

Sec. 12. 19 MRSA §765, sub-§4, ¶C-1, as enacted by PL 1993, c. 475, §9, is amended to read:

- C-1. Repeatedly and without reasonable cause:
- (1) Following the plaintiff; or
 - (2) Being at or in the vicinity of the plaintiff's home, school, business or place of employment; ~~or~~

Sec. 13. 19 MRSA §765, sub-§4, ¶D, as enacted by PL 1979, c. 578, §§5 and 7, is amended to read:

D. Taking, converting or damaging property in which the plaintiff may have a legal interest: ~~or~~

Sec. 14. 19 MRSA §765, sub-§4, ¶E is enacted to read:

E. Having any direct or indirect contact with the plaintiff.

Sec. 15. 19 MRSA §766, sub-§1, ¶B-3 is enacted to read:

B-3. Directing the defendant to refrain from having any direct or indirect contact with the plaintiff.

See title page for effective date.

CHAPTER 651

H.P. 1292 - L.D. 1774

An Act to Improve and Expand the Functions of the Department of Audit

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

Sec. 1. 5 MRSA §244, as amended by PL 1985, c. 785, Pt. A, §20, is further amended to read:

§244. Records and reports

The State Auditor ~~shall keep~~ keeps no accounts in the Department of Audit, but ~~he~~ shall conduct a continuous postaudit of the accounts, books, records and other evidences of financial transactions kept in the Department of ~~Finance~~ Financial and Administrative Services or in the other departments and agencies of the State Government. ~~He~~ The State Auditor shall prepare and publish a report for each fiscal year, setting forth the essential facts of such ~~audit~~ audits in summary form, within the following fiscal year after the books of the State Controller have been officially closed. ~~If he shall find~~ the State Auditor finds in the course of ~~his an~~ an audit evidences of material weaknesses, reportable conditions, improper transactions, or of incompetence in keeping accounts or handling funds or of any other improper practice of financial administration, ~~he~~ the State Auditor shall report the same to the Governor and the Legislature immediately. After reporting evidence of material weaknesses or reportable conditions, the State Auditor shall provide for subsequent review to ensure that those conditions are addressed in a timely manner and report to the Governor and the Legislature to confirm the status of the correction of those conditions. ~~If he shall find~~ the State Auditor finds evidences of illegal transactions, ~~he~~ the State Auditor shall ~~forthwith~~ immediately report ~~such those~~ those transactions both to the Governor and to the Attorney General. All such evidences ~~shall~~ must be included in the annual reports of the State Auditor and ~~he~~ the State Auditor may, at ~~his~~ the State Auditor's discretion, make them public at any time during the fiscal year.

Sec. 2. 5 MRSA §244-B is enacted to read:

§244-B. Committee to direct undertaking of audits

Pursuant to section 243, subsection 6, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs may direct the State Auditor to undertake management audits, systems reviews or audits of any department or agency of the State.

Sec. 3. Consolidation of audits of state financial records within the Department of Audit.

1. The Department of Audit shall prepare a proposal to consolidate all of the audits of state financial records within the Department of Audit, except for audits authorized under the Maine Revised Statutes, Title 5, section 1621. The department shall ensure that, under its proposal:

A. All audits of state records are performed by individuals who have had necessary education, training and continuing education;

B. The auditors are properly supervised and independent of the area being audited;

C. All audits of state records are conducted in accordance with generally accepted auditing standards, governmental auditing standards issued by the Comptroller General of the United States, and relevant provisions published by the federal Office of Management and Budget; and

D. Adequate qualified audit staff exist under the State Auditor's supervision to audit all state departments on a reasonable cycle.

2. The Department of Audit shall provide progress reports to the Joint Standing Committee on Appropriations and Financial Affairs no later than August 1, 1996 and October 1, 1996. The committee may meet with representatives from the Department of Audit and any other department or agency of State Government to discuss these reports at any meeting of the committee scheduled in accordance with the Maine Revised Statutes, Title 3, section 522.

3. The Department of Audit shall submit its proposal and any necessary implementing legislation, including proposals to transfer auditor positions to the Department of Audit from other state departments and agencies, to the Joint Standing Committee on Appropriations and Financial Affairs no later than December 1, 1996.

Sec. 4. Examination of financial reporting capabilities within the Bureau of Accounts and Control. The Department of Audit shall examine staffing levels in the Department of Administrative and Financial Services, Bureau of Accounts

and Control as they relate to financial reporting. The Department of Audit shall submit its findings and recommendations, including any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs no later than December 1, 1996.

Sec. 5. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 5, section 244 and enact Title 5, section 244-B take effect January 1, 1997.

See title page for effective date, unless otherwise indicated.

CHAPTER 652

H.P. 1304 - L.D. 1785

An Act Relating to Payment of Tristate Lotto Prizes

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

Sec. 1. 8 MRSA §416, sub-§1, as amended by PL 1991, c. 295, §2 and affected by §4, is further amended to read:

1. Prizes over \$5,000; certified list. All prizes over \$5,000 are awarded to holders of winning tickets as provided in this section. Within one week after any drawing or selection of prize winning tickets, the commission shall deliver to each of the party states a certified list of the tickets to which prizes are awarded and the amount of each such prize. Upon delivery of the certified list and voucher of the commission, moneys sufficient for the payment of those prizes may be withdrawn from the prize account established in section 415, subsection 2. The commission shall each month provide each party state with a record of all such withdrawals. Payment of prizes is made by the commission, or its designee, to holders of the tickets to which prizes are awarded. The right of any person to a prize drawn is not assignable, except that payment of any prize drawn may be paid to ~~the estate of a deceased prize winner, and except that any person, pursuant to an appropriate judicial order or an administrative order relating to child support, may be paid the prize to which the winner is entitled.~~ The commission and its officers, agents and employees are discharged of all further liability upon payment of a prize pursuant to this section another person as provided in section 416-A.

~~Prior to paying any winnings that must be paid directly by the commission, the commission shall determine whether the lottery winner is on a list,~~