

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

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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
1999

physically removes the mobile home from the park.

The arrearage for which the lienholder is responsible may not exceed 3 months rent and other recurring fees.

Notwithstanding this subsection, the lienholder and the park operator may agree to an alternative arrangement if they so choose.

See title page for effective date.

CHAPTER 208

H.P. 1399 - L.D. 2004

An Act to Clarify the Duties of the State Auditor

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

Sec. 1. 5 MRSA §243, as amended by PL 1989, c. 857, §§16 and 17, is further amended to read:

§243. Powers and duties

The Department of Audit ~~shall have~~ has authority:

1. Audit. To ~~perform a postaudit of~~ audit all accounts and other financial records of ~~the State Government or any department or agency thereof of State Government,~~ including the judiciary and the Executive Department of the Governor, except the Governor's Expense Account, and to report annually on this audit, and at such other times as the Legislature may require;

2. Counties. To ~~install uniform accounting systems and perform annual postaudits~~ audits of all accounts and other financial records of the several counties or any departments or agencies thereof, the expenses of such audits to be paid by the counties ~~and reports.~~ Reports of such audits ~~shall~~ must accompany the county estimates submitted to the Legislature as provided by Title 30-A, chapter 3, subchapter I, and ~~shall~~ must be published in the county reports next following the completion of such audits;

3. Municipalities. To ~~install uniform accounting systems and~~ perform audits for cities, towns and villages as required by Title 30-A, sections 5821 to 5823. The rate charged by the department to perform audits must include the proportional amount of the State Auditor's duties and be used to offset the General Fund costs of the State Auditor;

3-A. Municipal cost component. To ~~install uniform accounting systems and, no~~ No later than

February 1st following the end of each fiscal year, to ensure that an annual audit ~~and postaudit~~ of the municipal cost component and the Unorganized Territory Education and Services Fund in Title 36, chapter 115 is conducted. The expenses of these services are part of the municipal cost component and are paid out of the Unorganized Territory Education and Services Fund;

4. ~~Accounting systems; probation officers.~~ To ~~install uniform accounting systems and perform postaudits for probation officers, the expenses of such audits to be paid as follows: 50% by the county where the audit is performed, 30% by the Department of Transportation and 20% by the Department of Inland Fisheries and Wildlife;~~

5-A. Budget and program review. To review and study departmental budgets and capital programs for better and efficient management of State Government;

5-B. Dedicated funds. To review and study expenditures of the dedicated funds of independent boards and commissions;

6. Staff agency. To serve as a staff agency to the Legislature, or any of its committees, or to the Governor in making investigations of any phase of the ~~state's~~ State's finances;

7. Reports. To report its findings, with recommendations, on any review or study to the Legislature;

8. Audit. To perform ~~postaudits~~ audits of all accounts and financial records of any organization, institution or other entity receiving or requesting an appropriation or grant from ~~the~~ State Government and to issue reports on such audits at such times as the Legislature or the State Auditor may require; and

9. Single audit. To conduct financial and compliance audits of financial transactions and accounts kept by or for all state agencies subject to the Single Audit Act Amendments of 1996, 31 United States Code, Sections 7501 to 7507 (1998). The audits must be conducted in accordance with generally accepted governmental auditing standards.

Sec. 2. 5 MRSA §244, as amended by PL 1995, c. 651, §1 and affected by §5, is further amended to read:

§244. Records and reports

The State Auditor keeps no accounts in the Department of Audit, but shall ~~conduct a continuous postaudit of~~ audit the accounts, books, records and other evidences of financial transactions kept in the Department of Financial and Administrative Services

or in the other departments and agencies of the State Government. The State Auditor shall prepare and publish a report for each fiscal year, setting forth the essential facts of such audits in summary form, within the following fiscal year after the books of the State Controller have been officially closed. If the State Auditor finds in the course of 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, 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 the State Auditor finds evidences of illegal transactions, the State Auditor shall immediately report those transactions both to the Governor and to the Attorney General. All such evidences must be included in the annual reports of the State Auditor and the State Auditor may, at the State Auditor's discretion, make them public at any time during the fiscal year.

See title page for effective date.

CHAPTER 209

H.P. 1185 - L.D. 1695

An Act to Provide Immunity to Enhanced 9-1-1 Developers and Providers

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

Sec. 1. 25 MRSA §2930, sub-§2, as enacted by PL 1997, c. 291, §3, is repealed and the following enacted in its place:

2. Telecommunications providers. A telecommunications provider assisting in the implementation and operation of the statewide E-9-1-1 system, including, but not limited to, the development and maintenance of the network, the development and maintenance of any databases and the processing of calls, is subject to tort liability:

A. For property damages, bodily injury or death resulting from any defect in the E-9-1-1 system or inadequacy in the provision of E-9-1-1 service caused by the telecommunications provider's negligent acts or omissions in developing, establishing, implementing, maintaining or operating the E-9-1-1 system, up to a maximum amount for any and all claims arising out of a single oc-

currence not to exceed \$300,000 or the dollar amount that appears in Title 14, section 8105, subsection 1, whichever is greater; and

B. For property damages, bodily injury or death resulting from any defect in the E-9-1-1 system or inadequacy in the provision of E-9-1-1 service caused by the telecommunications provider's intentional, willful or reckless acts or omissions in developing, establishing, implementing, maintaining or operating the E-9-1-1 system, without limitation on the amount.

For purposes of this subsection, the term "telecommunications provider" means a local exchange carrier, a commercial mobile radio service provider, as defined in United States Code, Title 47, Section 332(d), an employee of a local exchange carrier or commercial mobile radio service provider acting within the scope of the employee's employment, or an agent of a local exchange carrier or commercial mobile radio service provider acting within the scope of the agent's agency.

See title page for effective date.

CHAPTER 210

S.P. 489 - L.D. 1474

An Act to Enhance Equity Under the Maine Milk Pool Laws

Emergency preamble. **Whereas**, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, changes in milk pricing and milk marketing have created inequities in the milk pool law; and

Whereas, dairy farming is a difficult business and an integral part of the Maine economy and rural way of life; and

Whereas, passage of this legislation would aid in restoring the original intention of the milk pool law; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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