

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

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

Sec. 1. 5 MRSA §243-A is enacted to read:

**§243-A. Random auditing of state programs**

In addition to the powers and duties specified in section 243, the Department of Audit shall conduct random audits of state programs to sample the accuracy of the financial records of those departments and agencies that administer or oversee the programs and report to the joint standing committees of the Legislature having jurisdiction over state and local government matters and appropriations and financial affairs no later than January 15, 2002 and no later than January 15th of each year thereafter on the random auditing of state programs. The report must include at a minimum the number of random audits conducted, the programs audited and an assessment of findings and recommendations resulting from the additional audits.

See title page for effective date.

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**CHAPTER 105**

**H.P. 239 - L.D. 276**

**An Act to Amend the Laws  
Governing Building Permits in the  
Unorganized Territories**

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

Sec. 1. 12 MRSA §685-A, sub-§10, as repealed and replaced by PL 1973, c. 788, §43-C, is repealed and the following enacted in its place:

**10. Special exceptions and variances.** The commission may approve the issuance of a special exception permit in strict compliance with this chapter and the rules and standards adopted pursuant to this chapter. The commission may grant a variance when the commission finds that the proposed development is in keeping with the general spirit and intent of this chapter, that the public interest is otherwise protected and that strict compliance with the rules and standards adopted by this commission would cause unusual hardship or extraordinary difficulties because of the following:

A. Exceptional or unique conditions of topography, access, location, shape, size or other physical features of the site;

B. The access and use needs of a person with a physical disability as defined in Title 5, section

4553, subsection 7-B who resides in or regularly uses a structure; or

C. Unusual circumstances that were not anticipated by the commission at the time the rules and standards were adopted.

See title page for effective date.

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**CHAPTER 106**

**S.P. 17 - L.D. 33**

**An Act to Lower In-state Phone  
Costs for Rural Maine**

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

Sec. 1. 35-A MRSA §7303-A is enacted to read:

**§7303-A. Basic service calling areas**

**1. Petition.** Upon written petition of 50 or more customers of a local exchange carrier who receive local, flat-rate, basic service within no more than a single exchange area, the commission shall open a proceeding to investigate expanding that basic service calling area. The commission shall hold at least one public hearing. The commission, within 6 months of the filing of the written petition, shall issue an order that must either expand the basic service calling area or state the commission's reasons for refusing to expand the basic service calling area. If the commission expands the basic service calling area pursuant to this subsection, the commission may allow a carrier affected by the expansion to recover, to the extent reasonable, its costs, including lost revenues, attributable to the expansion.

**2. Rules; limitation on petitions.** No later than 30 days after the effective date of this subsection, the commission shall by rule establish standards for expanding single-exchange basic service calling areas pursuant to this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. A petition may not be filed with or accepted by the commission pursuant to subsection 1 prior to 30 days after the effective date of this subsection.

See title page for effective date.