

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 13, 2002 to November 14, 2002**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 2002 to June 14, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**FEBRUARY 13, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 13, 2003**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

**Sec. 1. 5 MRSA §244-A**, as enacted by PL 1979, c. 46, is amended to read:

**§244-A. Reports to the State Auditor**

The head of any department ~~or~~, agency, bureau or division of the State or of any board, commission, agency or authority of any county, municipality, school district or ~~any~~ other political or administrative subdivision; who has any evidence of any improper or illegal transactions within ~~his~~ that department ~~or~~, agency, bureau or division shall immediately report the transactions to the State Auditor.

See title page for effective date.

**CHAPTER 83**

**S.P. 215 - L.D. 606**

**An Act To Improve State Accounting Procedures**

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

**Whereas**, this legislation needs to take effect before the expiration of the 90-day period in order to provide for timely reporting to the Legislature after the end of fiscal year 2003; 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:**

**Sec. 1. 5 MRSA §1541-A** is enacted to read:

**§1541-A. Financial management and accounting practices**

The Commissioner of Administrative and Financial Services and the State Controller shall:

**1. Develop manual.** Develop a financial management and accounting practices manual for the purpose of promulgating systemwide uniform financial management practices for state agencies. The manual must be updated on an annual basis; and

**2. Develop program.** Develop and implement a program to provide training on a periodic basis to appropriate financial and accounting personnel across department lines in State Government on uniform financial management and accounting practices.

**Sec. 2. Report.** The Commissioner of Administrative and Financial Services and the State Controller shall report to the Joint Standing Committee on State and Local Government by January 31, 2004 on the steps taken and the progress made towards the development of the financial management and accounting practices manual and the development and implementation of training on uniform financial management and accounting practices as required by the Maine Revised Statutes, Title 5, section 1541-A.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 25, 2003.

**CHAPTER 84**

**H.P. 547 - L.D. 741**

**An Act To Expand the Powers and Authority of Case Management Officers in the Family Division**

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

**Sec. 1. 4 MRSA §183, sub-§1, ¶D**, as enacted by PL 1997, c. 269, §1 and affected by §2, is amended to read:

D. Family case management officers shall employ appropriate case management techniques and have jurisdiction to hear and dispose of the following matters:

- (1) Interim orders in actions involving the establishment, modification or enforcement of child support;
- (2) Interim orders in actions involving divorce, legal separation, paternity or parental rights, including interim orders in post-judgment proceedings arising out of these actions, except that a contested motion concerning interim parental rights and responsibilities, excluding interim child support orders, may be determined by the family case management officer only if both parties consent to determination of the issue or issues in dispute by the family case management officer;
- (3) Final orders in any of the matters included in subparagraphs (1) and (2) when the proceeding is uncontested;

(4) Final orders in a contested proceeding when child support is the only contested issue; ~~and~~

(4-A) Applications for writs of habeas corpus to facilitate the attendance of proceedings by and return of a party who is incarcerated;

(4-B) Requests for access to confidential Department of Human Services child protective records in accordance with Title 22, section 4008. The family case management officer may review records in camera to determine whether to grant access; and

(5) Other actions assigned by the Chief Judge of the District Court.

**Sec. 2. 4 MRSA §183, sub-§1, ¶F** is enacted to read:

F. A family case management officer has the power to impose punitive and remedial sanctions in a summary proceeding for contempt occurring in the actual presence of the family case management officer and seen or heard by the family case management officer. The Maine Rules of Civil Procedure relating to summary contempt proceedings apply to a family case management officer exercising the contempt power under this paragraph.

See title page for effective date.

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## CHAPTER 85

H.P. 230 - L.D. 287

### An Act To Amend the Home Construction Contracts Laws

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

**Sec. 1. 10 MRSA §1487, first ¶,** as enacted by PL 1987, c. 574, is amended to read:

Any home construction contract for more than ~~\$1,400~~ \$3,000 in materials or labor must be in writing and must be signed by both the home construction contractor and the homeowner or lessee. Both the contractor and the homeowner or lessee ~~shall~~ must receive a copy of the executed contract prior to any work performance. This basic contract must contain the entire agreement between the homeowner or lessee and the home construction contractor and must contain at least the following parts:

**Sec. 2. 10 MRSA §1487, sub-§3,** as enacted by PL 1987, c. 574, is amended to read:

**3. Work dates.** Both the estimated date of commencement of work and the estimated date when the work will be substantially completed. The estimated date of commencement of work and the completion date may be changed if work can not begin or end due to circumstances beyond the control of the contractor, including, but not limited to, the lack of readiness of the job site or the unavailability of building materials;

See title page for effective date.

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## CHAPTER 86

S.P. 136 - L.D. 399

### An Act To Increase Civil Process Fees

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

**Sec. 1. 30-A MRSA §421, 4th ¶,** as amended by PL 1991, c. 498, §3, is further amended to read:

The county commissioners of each county may require that the fees collected under subsections 1, 2, 3, 5, 7, 12, 13 and 14 be increased by ~~\$4~~ \$5, except that the fee paid by any state agency or department may only be increased by \$1. The sheriff or deputy shall collect this additional ~~dollar~~ amount and pay it to the county treasurer for the use and benefit of the county. The county commissioners may also require that the fees collected under subsections 1 to 14 be increased by an amount equal to the cost of social security and other withholding taxes on the fees payable under this section.

See title page for effective date.

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## CHAPTER 87

H.P. 615 - L.D. 838

### An Act Regarding Bail and Fines

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

**Sec. 1. 15 MRSA §1074, sub-§3,** as enacted by PL 1987, c. 758, §20, is amended to read:

**3. Setoff.** When a defendant has deposited cash or other property owned by the defendant as bail or has offered real estate owned by the defendant and