

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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Lewiston, Maine
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fied trade secrets. To qualify for confidentiality under this subsection, computer programs, technical data, logic diagrams and source code must:

A. Contain trade secrets, as defined in Title 10, section 1542, subsection 4, held in private ownership; and

B. Have been provided to a state agency by an authorized independent vendor or contractor under an agreement by which:

(1) All trade secrets that can be protected are identified without disclosing the trade secret;

(2) The vendor or contractor retains all intellectual property rights in those trade secrets; and

(3) The state agency agrees to hold and use the programs, data, diagrams or source code without disclosing any identified trade secrets.

2. Public records. Except as provided in subsection 1, any document created or stored on a State Government computer is a public record and must be made available in accordance with Title 1, chapter 13 unless specifically exempted by that chapter.

~~**3. Violation.** A person is guilty of misuse of a State Government computer system if that person knowingly uses a computer system operated by a state department or agency, the Judicial Department or the Legislature:~~

~~A. To prepare materials with the intent to expressly advocate, to those eligible to vote, for the election or defeat of any candidate for a federal office, a constitutional office or any candidate for elective municipal, county or state office, including leadership positions in the Senate and the House of Representatives; or~~

~~B. With the intent to solicit contributions reportable under Title 21-A, chapter 13.~~

~~**4. Penalty.** Misuse of a State Government computer system is a Class C crime.~~

Sec. 3. 21-A MRSA §32, sub-§3 is enacted to read:

3. Class C crime. A person commits a Class C crime if that person misuses a state government computer system. For purposes of this subsection, a person is guilty of misuse of a state government computer system if that person knowingly uses a computer system operated by a state department or agency, the Judicial Department or the Legislature:

A. To prepare materials with the intent to expressly advocate, to those eligible to vote, for the election or defeat of any candidate for a federal office, a constitutional office or elective municipal, county or state office, including leadership positions in the State Senate and the State House of Representatives; or

B. With the intent to solicit contributions reportable under chapter 13.

For purposes of this subsection, "computer system" has the same meaning as in Title 17-A, section 431 and "leadership positions" means the presiding officers of each House of the Legislature, party leaders, the Clerk of the House, the Assistant Clerk of the House, the Secretary of the Senate and the Assistant Secretary of the Senate.

See title page for effective date.

CHAPTER 177

H.P. 1073 - L.D. 1468

An Act To Amend the Civil Service Law with Respect to Classified Employees Who Accept Appointment to the Unclassified Service

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

Sec. 1. 5 MRSA §7064, as amended by PL 1987, c. 402, Pt. B, §10, is further amended to read:

§7064. Filling of positions

Positions in the classified service ~~shall~~ **must** be filled by original appointment, promotion, transfer, reinstatement or demotion in accordance with policies and procedures developed by the director, with advice from the board. These policies and procedures ~~shall~~ **must** provide for the direct hire of positions in the classified service where appropriate.

1. Objective. In developing policies and procedures for filling positions, the director and board ~~shall~~ **must** be guided by the principle of filling each position as efficiently and expeditiously as possible. The director shall strive to fill each position in 30 days and no later than 45 days from the date a request to fill a position has been received from a state agency.

2. Eligibility of unclassified employees for classified service. In addition to any other provisions in this chapter, unclassified employees listed in section 931, subsection 1, paragraph H, and other unclassified employees, except those cited in section 931, subsection 1, paragraphs A to G, and paragraphs I and J, and

in sections 932 to 953, ~~shall be~~ are eligible for appointment to the classified service on the same basis as other members of the classified service.

Notwithstanding any provision of this section to the contrary, a permanent, classified employee who accepts appointment to a major policy-influencing position listed in section 931 and in sections 932 to 952 retains, for the duration of the appointment, promotion, transfer and demotion rights consistent with section 7064.

See title page for effective date.

CHAPTER 178

H.P. 1050 - L.D. 1431

An Act To Update the Requirements of Counties' and Municipalities' Audit Reports

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

Sec. 1. 30-A MRSA §702, sub-§1, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6, c. 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Estimates sent to Legislature for approval; amendments. The county clerk shall record the estimates made under section 701 in a book. A copy of the estimates ~~shall~~ must be signed by the ~~chairman~~ chair of the county commissioners and attested by their clerk. The clerk shall transmit that copy to the office of the Secretary of State on or before the first day of each January, together with the county reports under section ~~952~~ 952-A for the 2 preceding years, to be presented by the Secretary of State to the Legislature for its approval.

A. Except as otherwise provided, the Legislature may change or alter specific line categories within the county estimates before approving a budget.

Sec. 2. 30-A MRSA §951, sub-§1, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6, c. 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Annual audit. Every county shall have an audit made of its accounts annually covering the last complete fiscal year by the Department of Audit or by a certified public accountant selected by the county commissioners. The audit must be performed in accordance with generally accepted auditing standards and procedures pertaining to governmental accounting ~~and must include a management letter covering the~~

~~audit of the operational aspects of the county, as well as suggestions which the auditor considers advisable for the proper administration of the county.~~ The auditor shall produce ~~at least those reports on those forms~~ an audit report that includes the items required in section ~~952~~ 952-A. When an audit is conducted by a certified public accountant, the audit, upon completion, ~~shall~~ must be forwarded to the Department of Audit. The audit, including the management letter, is a public document.

Sec. 3. 30-A MRSA §952, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6, c. 9, §2 and c. 104, Pt. C, §§8 and 10, is repealed.

Sec. 4. 30-A MRSA §952-A is enacted to read:

§952-A. Audit report

1. Report contents. The report required pursuant to section 951, subsection 1 must contain the following items:

A. A management letter;

B. A letter of transmittal;

C. The independent auditor's report on the financial statements; and

D. All financial statements and all other information required by governmental accounting and financial reporting standards.

2. Copies for distribution. Copies of the report must be deposited in the county commissioners' office or a convenient place of business for distribution to the public and must be distributed to each municipality in the county.

3. Copies open for inspection. Copies of the report and all county records must be kept in the county commissioners' office and must be open to the inspection of the public during usual business hours.

Sec. 5. 30-A MRSA §5823, sub-§3, ¶A, as repealed and replaced by PL 1997, c. 142, §1, is amended to read:

A. The report must contain the following items:

(1) A management letter, if applicable;

(2) A letter of transmittal;

(3) The independent auditor's report on the financial statements; and

(4) ~~Financial statements that contain at a minimum:~~ All financial statements and all