

# 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**

of the committee. These funds are derived from unobligated dedicated funds that will be transferred from the Office of Consumer Credit Regulation in the Department of Professional and Financial Regulation to the Legislature at the beginning of the fiscal year.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	\$660	\$0
All Other	2,550	0
Other Special Revenue Funds Total	\$3,210	\$0

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

Effective June 16, 2003.

## CHAPTER 463

H.P. 59 - L.D. 51

### An Act to Amend Certain Provisions of the Program Evaluation and Government Accountability Laws

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

**Sec. 1. 3 MRSA §992, sub-§5,** as enacted by PL 2001, c. 702, §2, is amended to read:

**5. Program evaluation.** "Program evaluation" means an examination of any government program that includes performance audits, management analysis, inspections, operations or research or examinations of efficiency, effectiveness, or economy and, when determined necessary by the committee, financial audits and post-audits. All financial audits and post-audits must be performed by the Department of Audit or, if the Department of Audit is unable to perform the audit within the time frame established by the committee to complete the report, a qualified auditor.

**Sec. 2. 3 MRSA §992, sub-§5-A** is enacted to read:

**5-A. Qualified auditor.** "Qualified auditor" means an auditor who meets the education and experience requirements of the Office of State Auditor as defined in Title 5, section 241.

**Sec. 3. 3 MRSA §994, sub-§10,** as enacted by PL 2001, c. 702, §2, is amended to read:

**10. Adopt rules.** To adopt rules, as long as the rules are not in conflict with the Joint Rules of the Legislature. By January 1, 2005, the committee must

develop a mission statement to be included in the rules.

**Sec. 4. 3 MRSA §995, sub-§4,** as enacted by PL 2001, c. 702, §2, is amended to read:

**4. Annual report.** The director shall prepare an annual report of the office's activities for each calendar year and shall submit that annual report to the committee and the Legislature no later than ~~March 1st~~ January 15th of each calendar year.

See title page for effective date.

## CHAPTER 464

S.P. 436 - L.D. 1345

### An Act To Make Minor Technical Changes to the Maine Biomedical Research Program and To Amend the Calculation of Funds To Be Transferred to the Maine Research and Development Evaluation Fund

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

**Whereas,** this legislation adds general obligation bonds issued for research and development to the calculation of funds to the Maine Research and Development Evaluation Fund; and

**Whereas,** it is imperative that this legislation be effective in advance of the authorization of additional bonds; 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 §13060-C, first ¶,** as enacted by PL 2003, c. 20, Pt. RR, §2 and affected by §18, is amended to read:

To assist the department in preparing a comprehensive research and development evaluation, a recipient of state funding including general obligation bond proceeds for research and development shall, in addition to any other reporting requirements required by law:

**Sec. 2. 5 MRSA §13060-D, sub-§§2 and 4,** as enacted by PL 2003, c. 20, Pt. RR, §2 and affected by §18, are amended to read:

**2. Definition.** For the purposes of this section, "research and development" means activities that directly or through capital investment support basic and applied scientific research and related commercial development funded by state appropriations and bond proceeds.

**4. Transfers to fund.** Notwithstanding section 1585 or any other provision of law, the State Budget Officer may transfer to the fund an amount not to exceed 0.8% of General Fund appropriations received by and general obligation bonds issued to an agency or entity for research and development efforts to the fund. The transfer and allotment of available funds may not exceed 0.8% of the total research and development appropriations. Private entities that receive funds from general obligation bonds for research and development efforts shall pay to the Treasurer of State in the fiscal year in which the general obligation bond was issued an amount not to exceed 0.8% of the proceeds from the bond issue in any fiscal year, which payment must be made from available resources other than bond proceeds. Only those programs that receive \$500,000 or more in research and development appropriations in any fiscal year, or those entities that receive funds from a general obligation bond issue of \$500,000 or more for research and development efforts in any fiscal year, as identified and certified by the State Budget Officer and the Office of Fiscal and Program Review, may be assessed upon concurrence of the affected agencies, institutions and departments. The transfer must be implemented by financial order contingent upon the recommendation of the State Budget Officer and approval of the Governor and upon review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. The financial order must include a plan outlining how these funds will be expended. The financial order takes effect upon approval by the Governor. Total ~~transfers~~ payments made pursuant to this section may not exceed \$120,000 in any fiscal year.

**Sec. 3. 5 MRSA §13103, sub-§9,** as enacted by PL 1999, c. 731, Pt. SSS, §1, is amended to read:

**9. Rulemaking.** ~~The department shall~~ Maine Biomedical Research Board may adopt ~~major~~ substantive routine technical rules pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A to implement this section.

**Sec. 4. Application.** Those sections of this Act that amend the Maine Revised Statutes, Title 5, sections 13060-C and 13060-D apply beginning with the fiscal year beginning July 1, 2003.

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

Effective June 17, 2003.

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**CHAPTER 465**

**H.P. 65 - L.D. 57**

**An Act To Establish the Long-term Care Oversight Committee**

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

**Whereas,** the law authorizing the Long-term Care Implementation Committee, Public Law 1999, chapter 731, Part BBBB, section 15 was repealed on January 1, 2003; and

**Whereas,** the establishment of a new committee to oversee long-term care is required on a timely basis to continue the work of the Long-term Care Implementation Committee; 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 §12004-I, sub-§47-D,** as enacted by PL 1997, c. 665, §1, is repealed.

**Sec. 2. 5 MRSA §12004-I, sub-§47-F** is enacted to read:

<u>47-F.</u>	<u>Long-term</u>	<u>Legislative</u>	<u>22</u>
<u>Human</u>	<u>Care Over-</u>	<u>Per Diem</u>	<u>MRSA</u>
<u>Services</u>	<u>sight</u>	<u>and</u>	<u>§5107-J</u>
	<u>Committee</u>	<u>Expenses</u>	
		<u>for</u>	
		<u>Legislators</u>	
		<u>Only</u>	

**Sec. 3. 22 MRSA §5107-B,** as amended by PL 1997, c. 665, §2 and c. 734, §1, is repealed.

**Sec. 4. 22 MRSA §5107-J** is enacted to read:

**§5107-J. Long-term Care Oversight Committee**

The Long-term Care Oversight Committee, as established in Title 5, section 12004-I, subsection 47-F and referred to in this section as "the committee," shall