

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 21, 2003 to August 22, 2003**

**The General Effective Date For**  
**First Special Session**  
**Non-Emergency Laws Is**  
**November 22, 2003**

**SECOND REGULAR SESSION**  
**January 7, 2004 to January 30, 2004**

**The General Effective Date For**  
**Second Regular Session**  
**Non-Emergency Laws Is**  
**April 30, 2004**

**SECOND SPECIAL SESSION**  
**February 3, 2004 to April 30, 2004**

**The General Effective Date For**  
**Second Special Session**  
**Non-Emergency Laws Is**  
**July 30, 2004**

**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**  
**2004**

(29) A humane agent employed by the Department of Agriculture, Food and Rural Resources;

**Sec. 9. Retroactivity.** That section of this Act that amends the Maine Revised Statutes, Title 22, section 3477, subsection 1, paragraph A and that section that repeals and replaces Title 22, section 4011-A, subsection 1, paragraph A apply retroactively to September 13, 2003.

**Sec. 10. 22 MRSA §8103, sub-§1,** as repealed by PL 2003, c. 411, §1 and repealed and replaced by c. 510, Pt. A, §18, is repealed.

**Sec. 11. PL 2003, c. 510, Pt. B, §3** is amended to read:

**Sec. B-3. Retroactivity.** That section of this Part that repeals and replaces the Maine Revised Statutes, Title 5, section 191 ~~takes effect~~ applies retroactively to July 1, 2003.

**Sec. 12. PL 2003, c. 510, Pt. C, §10** is repealed.

**Sec. 13. Retroactivity.** That section of this Act that repeals Public Law 2003, chapter 510, Part C, section 10 applies retroactively to January 11, 2004.

**Sec. 14. PL 2003, c. 510, Pt. E, §4** is amended to read:

**Sec. E-4. Retroactivity.** Those sections of this Part that repeal and replace the Maine Revised Statutes, Title 22, section 3477, subsection 1, paragraph A and section 4011-A, subsection 1, paragraph A ~~take effect 90 days after adjournment of the First Regular Session of the 121st Legislature~~ apply retroactively to September 13, 2003.

**Sec. 15. PL 2003, c. 510, Pt. F, §2** is amended to read:

**Sec. F-2. Retroactivity.** That section of this Part that amends the Maine Revised Statutes, Title 21-A, section 1014, subsection 2 ~~takes effect 90 days after adjournment of the First Regular Session of the 121st Legislature~~ applies retroactively to September 13, 2003.

**Sec. 16. PL 2003, c. 510, Pt. G, §3** is enacted to read:

**Sec. G-3. Retroactivity.** Those sections of this Part that enact the Maine Revised Statutes, Title 22, section 7855, subsection 4, paragraph A-2 and amend Title 22, section 7855, subsection 4, paragraph B apply retroactively to June 3, 2003.

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

Effective April 6, 2004.

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## CHAPTER 600

H.P. 1426 - L.D. 1926

### An Act To Implement the Recommendations of the Joint Standing Committee on State and Local Government Pursuant to the State Government Evaluation Act

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

**Sec. 1. 3 MRSA §959,** as amended by PL 2003, c. 451, Pt. T, §§1 and 2, is further amended to read:

#### §959. Scheduling guideline for review of agencies or independent agencies

**1. Scheduling guidelines.** Except as provided in subsection 2, reviews of agencies or independent agencies must be scheduled in accordance with the following. Subsequent reviews must be scheduled on an ongoing basis every 8 years after the dates specified in this subsection.

A. The joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters shall use the following list as a guideline for scheduling reviews:

- (1) Baxter State Park Authority in ~~2003~~ 2009;
- (2) Department of Conservation in 2005;
- (3) Blueberry Advisory Committee in 2005;
- (4) Board of Pesticides Control in 2005;
- (5) Wild Blueberry Commission of Maine in 2005;
- (6) Seed Potato Board in 2005;
- (7) Maine Dairy and Nutrition Council in 2007;
- (8) Maine Dairy Promotions Board in 2007;
- (9) Maine Milk Commission in 2007;

(10) State Harness Racing Commission in 2007;

(11) Maine Agricultural Bargaining Board in 2003;

(12) Department of Agriculture, Food and Rural Resources in ~~2003~~ 2009; and

~~(13) State Soil and Water Conservation Commission in 2003; and~~

(14) Land for Maine's Future Board in 2007.

B. The joint standing committee of the Legislature having jurisdiction over ~~banking and insurance and financial services~~ matters shall use the following list as a guideline for scheduling reviews:

(1) State Employee Health Commission in ~~1999~~ 2009; and

(2) Department of Professional and Financial Regulation, in conjunction with the joint standing committee of the Legislature having jurisdiction over business and economic development matters, in 2007.

C. The joint standing committee of the Legislature having jurisdiction over business, research and economic development matters shall use the following list as a guideline for scheduling reviews:

(1) Maine Development Foundation in ~~1997~~ 2005;

(5) Department of Professional and Financial Regulation, in conjunction with the joint standing committee of the Legislature having jurisdiction over banking and insurance matters, in 2007;

(19) Department of Economic and Community Development in ~~1997~~ 2005;

(23) Maine State Housing Authority in ~~1999~~ 2007;

(32) Finance Authority of Maine in ~~2001~~ 2009;

(33) Petroleum Advisory Committee in ~~2001~~ 2009;

(36) Board of Dental Examiners in ~~2003~~ 2011;

(37) Board of Osteopathic Licensure in ~~2003~~ 2011;

(38) Board of Licensure in Medicine in ~~2003~~ 2011;

(41) State Board of Nursing in ~~2003~~ 2011;

(42) State Board of Optometry in ~~2003~~ 2011;

(45) State Board of Registration for Professional Engineers in ~~2003~~ 2011; and

(50) Maine Science and Technology Foundation in 2007.

D. The joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters shall use the following list as a guideline for scheduling reviews:

(1) Department of Public Safety, except for the division designated by the Commissioner of Public Safety to enforce the law relating to the manufacture, importation, storage, transportation and sale of all liquor and to administer those laws relating to licensing and the collection of taxes on malt liquor and wine and the Emergency Services Communication Bureau, in 2001; and

(2) Department of Corrections in ~~2003~~ 2011.

E. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs shall use the following list as a guideline for scheduling reviews:

(1) Telecommunications Relay Services Advisory Council in ~~1997~~ 2005;

(2) Department of Education in ~~1997~~ 2005;

(2-A) State Board of Education in ~~1997~~ 2005;

(3) Maine Arts Commission in ~~1999~~ 2007;

(5) Maine Historic Preservation Commission in ~~1999~~ 2007;

(5-A) Notwithstanding section 952, Maine Historical Society in ~~1999~~ 2007;

(6) Maine Library Commission in ~~1999~~ 2007;

(6-A) Maine State Cultural Affairs Council in ~~1999~~ 2007;

(6-B) Maine State Library in ~~1999~~ 2007;

(6-C) Maine State Museum in ~~1999~~ 2007;

(7) Maine State Museum Commission in ~~1999~~ 2007;

(8) Office of State Historian in ~~1999~~ 2007;

(9) Board of Trustees of the Maine Maritime Academy in ~~2001~~ 2009;

(10) Board of Trustees of the University of Maine System in ~~2001~~ 2009;

(12) Maine Community College System in ~~2001~~ 2009;

(13) Maine Health and Higher Educational Facilities Authority in ~~2003~~ 2011; and

(14) Maine Educational Loan Authority in ~~2003~~ 2011.

F. The joint standing committee of the Legislature having jurisdiction over ~~human resource~~ health and human services matters shall use the following list as a guideline for scheduling reviews:

(2) Office of Substance Abuse in ~~1997~~ 2005;

(3) Maine Advisory Committee on Mental Retardation in ~~1999~~ 2007;

(6) Department of Human Services in ~~2001~~ 2009;

(7) Board of the Maine Children's Trust Incorporated in ~~2003~~ 2011;

~~(8) Governor's Committee on Employment of People with Disabilities in 2003;~~

(9) Maine Developmental Disabilities Council in ~~2003~~ 2011; and

(10) Department of Behavioral and Developmental Services in 2005.

G. The joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters shall use the following list as a guideline for scheduling reviews:

(1) Department of Inland Fisheries and Wildlife in ~~1997~~ 2005;

(2) Advisory Board for the Licensing of Taxidermists in ~~2005~~ 2007; and

(3) Atlantic Salmon Commission in ~~2003~~ 2011.

H. The joint standing committee of the Legislature having jurisdiction over judiciary matters

shall use the following list as a guideline for scheduling reviews:

(2) Maine Human Rights Commission in ~~2001~~ 2009;

(3) Maine Indian Tribal-State Commission in ~~2003~~ 2011; and

(4) Department of the Attorney General in ~~2003~~ 2011.

I. The joint standing committee of the Legislature having jurisdiction over labor matters shall use the following list as a guideline for scheduling reviews:

(1) Maine State Retirement System in ~~1997~~ 2005;

(2) Department of Labor in ~~1999~~ 2007;

(3) Maine Labor Relations Board in ~~2001~~ 2009; and

(4) Workers' Compensation Board in ~~2001~~ 2009.

J. The joint standing committee of the Legislature having jurisdiction over legal and veterans' affairs shall use the following schedule as a guideline for scheduling reviews:

(2) State Liquor and Lottery Commission in ~~1999~~ 2007;

(3) The division within the Department of Public Safety designated by the Commissioner of Public Safety to enforce the law relating to the manufacture, importation, storage, transportation and sale of all liquor and to administer those laws relating to licensing and the collection of taxes on malt liquor and wine in ~~1999~~ 2007; and

(4) Department of Defense, Veterans and Emergency Management in ~~2001~~ 2011.

K. The joint standing committee of the Legislature having jurisdiction over marine resource matters shall use the following list as a guideline for scheduling reviews:

(1) Atlantic States Marine Fisheries Commission in ~~1997~~ 2005;

(2) Department of Marine Resources in ~~1997~~ 2005;

(4) Lobster Advisory Council in ~~1999~~ 2007; and

(5) Maine Sardine Council in ~~1999~~ 2007.

L. The joint standing committee of the Legislature having jurisdiction over natural resource matters shall use the following list as a guideline for scheduling reviews:

- (1) Department of Environmental Protection in ~~1997~~ 2007;
- (2) Board of Environmental Protection in ~~1997~~ 2007;
- (3) Advisory Commission on Radioactive Waste and Decommissioning in 2005;
- (4) Saco River Corridor Commission in 2005; and
- (5) Board of Underground Oil Tank Installers in ~~2003~~ 2011.

M. The joint standing committee of the Legislature having jurisdiction over state and local government matters shall use the following list as a guideline for scheduling reviews:

- (1) Capitol Planning Commission in ~~2003~~ 2011;
- (1-A) Maine Governmental Facilities Authority in 2005;
- (2) State Civil Service Appeals Board in 2005;
- (3) State Claims Commission in 2005;
- (4) Maine Municipal Bond Bank in 2007;
- (5) Office of Treasurer of State in 2007;
- (6) Department of Administrative and Financial Services, except for the Bureau of Revenue Services, in ~~2003~~ 2011;
- (7) Department of the Secretary of State, except for the Bureau of Motor Vehicles, in ~~2003~~ 2011; and
- (9) State Planning Office, except for the Land for Maine's Future Board, in 2007.

N. The joint standing committee of the Legislature having jurisdiction over taxation matters shall use the following schedule as a guideline for scheduling reviews:

- (1) State Board of Property Tax Review in ~~2004~~ 2011; and
- (2) Department of Administrative and Financial Services, Bureau of Revenue Services in ~~2003~~ 2011.

O. The joint standing committee of the Legislature having jurisdiction over transportation matters shall use the following schedule as a guideline for scheduling reviews:

- (1) Maine Turnpike Authority in ~~1997~~ 2005;
- (2) The Bureau of Motor Vehicles within the Department of the Secretary of State in ~~1999~~ 2007;
- (3) The Department of Transportation in ~~1999~~ 2007; and
- (4) Maine State Pilotage Commission in ~~2004~~ 2009.

P. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters shall use the following list as a guideline for scheduling reviews:

- (1) Public Advocate in ~~1997~~ 2005;
- (2) Board of Directors, Maine Municipal and Rural Electrification Cooperative Agency in ~~1999~~ 2007;
- (3) Public Utilities Commission in ~~1999~~ 2007; and
- (4) The Emergency Services Communication Bureau within the Department of Public Safety in ~~2004~~ 2009.

**2. Waiver.** Notwithstanding this list of agencies arranged by year, an agency or independent agency may be reviewed at any time by the committee pursuant to section 954.

**Sec. 2. 5 MRSA §1541, first ¶,** as amended by PL 1991, c. 780, Pt. Y, §42, is further amended to read:

The Department of Administrative and Financial Services, through the ~~Bureau of Accounts and Control~~ Office of the State Controller, has authority:

**Sec. 3. 5 MRSA §1541, sub-§10-A, ¶F,** as enacted by PL 2003, c. 451, Pt. F, §1, is amended to read:

F. Access to resources and records must be limited to authorized individuals as determined by the state agency or department head, except that the powers and duties of the State Auditor may not be limited by this subsection. Restrictions on access to resources depend upon the vulnerability of the resource and the perceived risk of loss, both of which must be periodically assessed. The state agency or department head is responsible

for maintaining accountability for the custody and use of resources and shall assign qualified individuals for that purpose. Periodic comparison must be made between the resources and the recorded accountability of the resources to reduce the risk of unauthorized use or loss and protect against waste and wrongful acts. The vulnerability and value of the state agency or department resources determine the frequency of this comparison.

Within each state agency or department there must be a qualified employee whose responsibility, in addition to the employee's regularly assigned duties, is to ensure that the state agency or department has written documentation of its internal accounting and administrative control system on file. The employee shall, annually, or more often as conditions warrant, evaluate the effectiveness of the state agency's or department's internal control system and establish and implement changes necessary to ensure the continued integrity of the system. The employee shall:

- (1) Ensure that the documentation of all internal control systems is readily available for examination by the State Controller, Commissioner of Administrative and Financial Services and State Auditor;
- (2) Certify to the State Controller that the appropriate updates have been made and implemented by the state agency or department;
- (3) Ensure that the results of audits and recommendations to improve state agency or department internal controls are promptly evaluated by the state agency or department management;
- (4) Ensure that timely and appropriate corrective actions are effected by the state agency or department management in response to an audit; ~~and~~
- (5) Ensure that all actions determined by the state agency or department management as necessary to correct or otherwise resolve matters are addressed by the state agency or department in its budgetary request to the Legislature; and
- (6) Immediately notify the State Controller when an auditor, inspector general or other representative from the Federal Government or another nonstate organization requests access to state agency resources and records related to internal controls.

All unaccounted for variances, losses, shortages or thefts of funds or property must be immediately reported to the State Controller, who shall review the matter to determine the amount involved that must be reported to the appropriate state agency or department management, law enforcement officials and the State Auditor. The State Controller shall also determine the internal control weakness that contributed to or caused the condition. The State Controller shall then make recommendations to the state agency or department official overseeing the internal control system and other appropriate management officials. The recommendations of the State Controller must address the correction of the conditions found and the necessary internal control policies and procedures that must be modified. The state agency or department oversight official and the appropriate management officials shall immediately implement policies and procedures necessary to prevent a recurrence of the problems identified and report the steps taken to the State Controller. From time to time the State Controller shall examine the policies and procedures implemented to ensure that the relevant policies and procedures are functioning appropriately.

**Sec. 4. Revision clause.** Wherever in the Maine Revised Statutes the words "Bureau of Accounts and Control" appear or reference is made to that bureau within the Department of Administrative and Financial Services, those words are amended to read or mean, as the case may be, "Office of the State Controller," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

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## CHAPTER 601

H.P. 1432 - L.D. 1933

**An Act To Implement the  
Recommendations of the Joint  
Standing Committee on Business,  
Research and Economic  
Development Regarding the Board of  
Licensure in Medicine Pursuant to  
Reviews Conducted under the State  
Government Evaluation Act**

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

**Sec. 1. 24 MRSA §2505, first ¶,** as enacted by PL 1977, c. 492, §3, is amended to read: