

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION
July 29, 2005

SECOND REGULAR SESSION
January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 23, 2006

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

Penmor Lithographers
Lewiston, Maine
2006

correctional facilities, persons on intensive supervision and other persons placed under the supervision of an employee listed in this paragraph;

Sec. 21. 34-A MRSA §5402, sub-§2, ¶K, as amended by PL 1989, c. 417, §1, is further amended to read:

K. Provide instruction and training courses for probation and parole officers, for Intensive Supervision Program officers and for juvenile ~~easeworkers~~ community corrections officers;

Sec. 22. 34-A MRSA §5404, sub-§1, as amended by PL 1989, c. 127, §14, is further amended to read:

1. Investigation. Investigate any criminal case or matter concerning probation, supervised release for sex offenders, parole or intensive supervision referred to the officer for investigation and report the result of the investigation;

Sec. 23. 34-A MRSA §5404, sub-§2, ¶A, as amended by PL 1995, c. 502, Pt. F, §37, is further amended to read:

A. Arrest ~~and return~~ violators of probation or supervised release for sex offenders and parole violators and return parole violators upon request of the commissioner;

Sec. 24. 34-A MRSA §5404, sub-§2, ¶C, as amended by PL 2005, c. 389, §5, is further amended to read:

C. If the officer has probable cause to believe that a person under the supervision of the department has violated a condition of that person's probation ~~or supervised release for sex offenders~~, parole or intensive supervision, the officer may arrest that person;

Sec. 25. 34-A MRSA §5404, sub-§3, ¶A, as amended by PL 2005, c. 265, §22, is further amended to read:

A. Supervise the probation, supervised release for sex offenders, parole or intensive supervision of each person placed under the officer's supervision to ensure that departmental resources are directed to the management of persons with a high risk of reoffending;

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

Effective March 13, 2006.

CHAPTER 489

H.P. 1305 - L.D. 1865

An Act To Clarify the Time Period in Which Municipalities Must File Notices of Intent with the State for Purposes of Issuing Building Permits

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

Sec. 1. 5 MRSA §1742-B, as amended by PL 2001, c. 615, §1, is further amended to read:

§1742-B. Municipal building ordinances

The Department of Administrative and Financial Services, Bureau of General Services, referred to as "the bureau" in this section, shall provide written notification to the municipal manager or, in the absence of a manager, the first selectman of a state construction project or public improvement within the boundaries of that municipality as soon as practicable after beginning the schematic design process. If a municipality intends to review and issue building permits on state construction projects and public improvements, the municipality must file a notice of intent with the ~~Department of Administration, Bureau of Public Improvements~~ bureau no later than 45 days following receipt of notification by the bureau of the state construction project or public improvement. Once the required notice is filed, the projects and improvements to state-owned or leased buildings must comply with municipal ordinances governing the construction and alteration of buildings, provided that the municipal building code standards are as stringent as, or more stringent than, the code for state buildings. Prior to requesting bids, the bureau shall obtain or it shall require the project designer to obtain municipal approval of the project plans and specifications. Contractors and subcontractors shall obtain all necessary municipal building permits and the project must be subject to municipal inspections.

Fees may be ~~assessed~~ assessed for any permit obtained for any state construction project or public improvements to state-owned buildings.

If a proposed public improvement is for new construction only and is not reviewed by a municipality, the state agency responsible for the new construction shall provide public notice of the project in the same manner as is required for notice of similar projects by ordinance of the municipality. Public notice under this paragraph must be provided as soon as development of the schematic design for the project is complete.

For purposes of this section, "schematic design" means the phase of the project or public improvement

when the scale, proportions and relationships of the major project components are defined and the major building systems, construction materials, cost estimate and schedule of the project or public improvement are identified. Documents that are a part of the schematic design include a site plan and floor plan and building sections and elevations.

See title page for effective date.

CHAPTER 490

H.P. 1302 - L.D. 1862

An Act To Expand Notification Requirements for Internal Control Inquiries Made by Nonstate Organizations

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

Sec. 1. 5 MRSA §1541, sub-§10-A, ¶F, as amended by PL 2003, c. 600, §3, is further 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;

(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. The State Controller shall notify the State Auditor, the Office of Program Evaluation and Government Accountability and other interested parties of the audits and investigations in a timely manner.

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