

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2006**

determine suitability for initial issuance of a license to provide emergency medical services. The results of criminal history record checks received by the board are for official use only and may not be disseminated outside the board. The applicant for initial licensure shall pay the expense of obtaining the information required by this subsection.

**Sec. 2. 32 MRSA §85, sub-§4**, as amended by PL 1993, c. 152, §2, is further amended to read:

**4. Minimum requirements for relicensing.** The board shall set by rule the license and relicensing requirements and the relicensing interval for emergency medical services persons. A person who is duly licensed in Maine as an emergency medical services person must be issued a renewal license if the following requirements are met:

A. The person must have satisfactorily completed relicensure training as defined in the rules; and

B. The person must have satisfactorily demonstrated competence in the skills required for the license level. Skill competence may be satisfied by a combination of run report reviews and continuing education training programs conducted in accordance with the rules or by satisfactorily completing the state written and practical tests.

If the person is not duly licensed at the time of application, the person must demonstrate skill and knowledge as defined in the rules.

To maintain a valid license, an emergency medical services person must meet the criteria set out in this section. If those criteria are not met, a person does not hold a valid license and must reapply for licensure.

A criminal history record check for information containing a record of conviction data from the Maine Criminal Justice Information System is not required for the relicensing of emergency medical services personnel.

**Sec. 3. Application.** A person who received an initial license to provide emergency medical services for whom the Emergency Medical Services' Board has never obtained criminal history record information containing a record of conviction data from the Maine Criminal Justice Information System must submit to a criminal history record check at the time of license renewal.

See title page for effective date.

## CHAPTER 682

S.P. 658 - L.D. 1741

### An Act To Encourage Reporting of Potential Fraud, Waste, Inefficiency and Abuse in State Government

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

**Sec. 1. 3 MRSA §995, sub-§5** is enacted to read:

**5. Coordination with State Auditor; complaints alleging fraud, waste, inefficiency or abuse.** The director may access confidential information disclosed by the State Auditor under Title 5, section 244-D, subsection 3 in order to ensure appropriate agency referral or coordination between agencies to respond appropriately to all complaints made under Title 5, section 244-D.

**Sec. 2. 5 MRSA §244-D** is enacted to read:

**§244-D. Referral service; confidentiality; public records**

**1. Identity confidential.** The identity of a person making a complaint alleging fraud, waste, inefficiency or abuse through a hotline or other referral service established by the State Auditor for the confidential reporting of fraud, waste, inefficiency and abuse in State Government is confidential and may not be disclosed, unless the person making the complaint agrees in writing to the disclosure of that person's name.

**2. Contents of complaint confidential.** A complaint alleging fraud, waste, inefficiency or abuse made through a hotline or other referral service established by the State Auditor for the confidential reporting of fraud, waste, inefficiency and abuse in State Government and any resulting investigation is confidential and may not be disclosed except as provided in subsections 3 and 4.

**3. Coordination with Office of Program Evaluation and Government Accountability and Attorney General.** The State Auditor may disclose information that is confidential under this section to the Director of the Office of Program Evaluation and Government Accountability and the Attorney General to ensure appropriate agency referral or coordination between agencies to respond appropriately to all complaints made under this section.

**4. Reports.** For each complaint under this section, the State Auditor shall submit a written report to

the Governor and publish the report on the auditor's publicly accessible website. The report must include a detailed description of the nature of the complaint, the office, bureau or division within the department or any agency that is the subject of the complaint, the determination of potential cost savings, if any, any recommended action and a statement indicating the degree to which the complaint has been substantiated. The report must be submitted no later than 120 days after the State Auditor receives the complaint. In addition, the State Auditor shall publish a semiannual report to the Governor and Legislature of the complaints received by the hotline or other referral service, which may be electronically published. The report must include the following information:

A. The total number of complaints received;

B. The number of referrals of fraud or other criminal conduct to the Attorney General;

C. The number of referrals of agency performance issues to the Office of Program Evaluation and Government Accountability; and

D. The number of investigations by the State Auditor by current status whether opened, pending, completed or closed.

**5. Repeal.** This section is repealed July 1, 2009.

**Sec. 3. Establishment of referral criteria; report.** Prior to commencement of a hotline or other referral service established by the State Auditor to receive complaints of fraud, waste, inefficiency or abuse in State Government, the State Auditor, the Attorney General and the Director of the Office of Program Evaluation and Government Accountability shall work together to establish criteria for the referral of such complaints received and coordination of the response between the appropriate agencies. The State Auditor shall report the results of this effort to the joint standing committee of the Legislature having jurisdiction over state and local government matters no later than 30 days following development of the criteria or at the next meeting convenient for the committee to receive the report.

See title page for effective date.

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## CHAPTER 683

H.P. 1449 - L.D. 2055

### An Act To Correct Errors and Inconsistencies in the Laws of Maine

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

**Whereas,** acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

**Whereas,** these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

**Whereas,** it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; 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:**

#### PART A

**Sec. A-1. 2 MRSA §6, sub-§2,** as amended by PL 2005, c. 405, Pt. D, §1 and c. 412, §1, is repealed and the following enacted in its place:

**2. Range 90.** The salaries of the following state officials and employees are within salary range 90:

Superintendent of Financial Institutions;

State Tax Assessor;

Superintendent of Insurance;

Executive Director of the Maine Consumer Choice Health Plan;

Deputy Commissioner, Department of Administrative and Financial Services;

Associate Commissioner for Adult Services, Department of Corrections;

Associate Commissioner for Juvenile Services, Department of Corrections;

Public Advocate;

Deputy Commissioner of Integrated Services, Department of Health and Human Services;

Deputy Commissioner of Health, Integrated Access and Strategy, Department of Health and Human Services;

Chief Information Officer;