

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

The council shall invite the Chief Justice of the Supreme Judicial Court to designate a trial judge to act as advisor to the council.

Sec. 3. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 34-A, chapter 9, subchapter 8, in the subchapter headnote, the words "state council" are amended to read "state councils" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 677

S.P. 603 - L.D. 1755

An Act Regarding the Interstate Compact for Adult Offender Supervision

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

Sec. 1. 34-A MRSA §9887, as enacted by PL 2005, c. 329, §13, is amended to read:

§9887. Supervision fee

The department may impose on a person accepted for supervision under this compact a supervision fee of between \$10 and \$50 per month, as determined by the department, for the term of supervision by the department. In determining the amount of the fee, the department shall take into account the financial resources of the person and the nature of the burden the payment imposes. A request for transfer of supervision may not be denied solely because the person is not able to pay the fee. When a person fails to pay the supervision fee, the department may request the person's return to the sending state unless the failure to pay was not attributable to the person's willful refusal to pay or to a failure on the person's part to make a good faith effort to obtain the funds required for the payment. Fees received by the department pursuant to this section must be deposited into the department's adult community corrections account, which may not lapse. Fees deposited pursuant to this section must be used to defray costs associated with the supervision of persons accepted for transfer, including, but not limited to, the purchase of materials and equipment for and operation of electronic monitoring and substance testing programs, the purchase of materials, equipment and training for probation officers and administrative costs.

Sec. 2. 34-A MRSA §9887-A is enacted to read:

§9887-A. Application fee

The department may impose on a person applying for transfer of supervision to another state under this

compact an application fee of \$100. An application for transfer of supervision may not be denied solely because the person is not able to pay the fee. When a person fails to pay the application fee, the department may refuse to process the application unless the failure to pay was not attributable to the person's willful refusal to pay or to a failure on the person's part to make a good faith effort to obtain the funds required for the payment. Fees received by the department pursuant to this section must be deposited into the department's adult community corrections account, which may not lapse. Fees deposited pursuant to this section must be used to defray costs associated with processing the applications for transfer, including, but not limited to, the purchase of materials, equipment and training for probation officers and administrative costs.

Sec. 3. 34-A MRSA §9887-B is enacted to read:

§9887-B. Biological sample for DNA analysis

A person accepted for supervision under this compact shall submit to having a DNA sample taken only if that person is convicted of a crime punishable by imprisonment for one year or more. The DNA sample may be taken at any time following commencement of the supervision period as directed by the person's probation officer. All other provisions of Title 25, chapter 194 govern the collection and use of the DNA sample as applicable.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, DEPARTMENT OF Adult Community Corrections 0124

Initiative: Allocates supervision and application fee revenue dedicated to adult community corrections.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$0	\$242,920
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$242,920
CORRECTIONS, DEPARTMENT OF DEPARTMENT TOTALS	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS	\$0	\$242,920
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$242,920

**PUBLIC SAFETY, DEPARTMENT OF
State Police 0291**

Initiative: Provides funding for supplies related to additional DNA samples.

GENERAL FUND	2011-12	2012-13
All Other	\$0	\$4,495
GENERAL FUND TOTAL	\$0	\$4,495
HIGHWAY FUND	2011-12	2012-13
All Other	\$0	\$4,318
HIGHWAY FUND TOTAL	\$0	\$4,318
PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS	2011-12	2012-13
GENERAL FUND	\$0	\$4,495
HIGHWAY FUND	\$0	\$4,318
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$8,813
SECTION TOTALS	2011-12	2012-13
GENERAL FUND	\$0	\$4,495
HIGHWAY FUND	\$0	\$4,318
OTHER SPECIAL REVENUE FUNDS	\$0	\$242,920
SECTION TOTAL - ALL FUNDS	\$0	\$251,733

See title page for effective date.

CHAPTER 678

H.P. 1284 - L.D. 1742

**An Act To Amend Education
Laws**

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of

all of the members elected to each House have determined it necessary to enact this measure.

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

PART A

Sec. A-1. 20-A MRSA §6051, sub-§1, ¶D, as enacted by PL 1985, c. 797, §36, is amended to read:

D. An audit of all federal programs in accordance with applicable federal law including a written determination that the audit has been conducted in accordance with applicable federal laws relating to financial and compliance audits as indicated in federal Office of Management and Budget circulars;

Sec. A-2. 20-A MRSA §6051, sub-§1, ¶H, as enacted by PL 2009, c. 571, Pt. E, §12, is amended to read:

H. A determination of whether the school administrative unit has complied with budget content requirements pursuant to section 15693, subsection 1 and cost center summary budget format requirements pursuant to sections 1305-C, 1485, 1701-C and 2307; ~~and~~

Sec. A-3. 20-A MRSA §6051, sub-§1, ¶I, as enacted by PL 2009, c. 571, Pt. E, §13, is amended to read:

I. A determination of whether the school administrative unit has exceeded its authority to expend funds, as provided by the total budget summary article; and

Sec. A-4. 20-A MRSA §6051, sub-§1, ¶J is enacted to read:

J. A determination of whether the school administrative unit has complied with the applicable provisions of the unexpended balances requirements established under section 15004.

Sec. A-5. 20-A MRSA §6051, sub-§3, as repealed and replaced by PL 1985, c. 797, §36, is amended to read:

3. Auditors. Audits ~~shall~~ must be conducted by ~~either the Department of Audit or~~ qualified certified public accountants or public accountants registered by the Board of Accountancy. The auditor shall review the audit with the school board.

Sec. A-6. 20-A MRSA §6051, sub-§7, ¶¶B and C, as enacted by PL 2009, c. 571, Pt. E, §14, are amended to read:

B. A school administrative unit audit is not necessary to meet federal audit requirements; and