

# 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-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

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

---

---

**Augusta, Maine**  
**2013**

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

**Sec. 1. 22 MRSA §2841, first ¶**, as corrected by RR 2009, c. 2, §54, is amended to read:

Except as authorized by the department or as required under section 1596, a certificate of each death of a fetus of 20 or more weeks of gestation ~~which that~~ occurs in this State must be filed with the State Registrar of Vital Statistics or the clerk of the municipality where the delivery occurred within 14 days after delivery and prior to removal of the fetus from the State.

**Sec. 2. 22 MRSA §2841, sub-§4** is enacted to read:

**4. Certificate from hospital or institution.** When the fetal death occurs in a hospital or an institution, the person in charge of the hospital or institution or the person authorized to obtain the medical data shall prepare the certificate, certify by signature or by electronic process that the fetal death occurred at the place and time and on the date stated and file the certificate as directed in this section. The physician or other person in attendance shall provide the medical information required on the certificate in a timely fashion, as specified by department rule.

See title page for effective date.

---

---

**CHAPTER 15  
S.P. 80 - L.D. 244**

**An Act To Amend the Student  
Membership Criteria of the  
State Board of Education**

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

**Whereas**, the State Board of Education has 2 student members on the board; and

**Whereas**, one student must represent the State's First Congressional District and the other student must represent the State's Second Congressional District; and

**Whereas**, with the recent redistricting, there is a possibility that a student may reside in one congressional district and attend school in the other congressional district; and

**Whereas**, it is important that this legislation take effect as soon as possible so that the students will represent the congressional districts that they were appointed to represent; 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. 20-A MRSA §401, sub-§1**, as repealed and replaced by PL 2007, c. 695, Pt. A, §21, is amended to read:

**1. Appointment.** The state board consists of 9 members and, beginning in the 2007-2008 school year, 2 nonvoting student members, one junior and one senior in high school. All members are appointed by the Governor. Four members must reside in the State's First Congressional District at the time of appointment, 4 members must reside in the State's Second Congressional District at the time of appointment and one member may reside in either the First Congressional District or the Second Congressional District at the time of appointment. One of the student members must ~~reside attend school~~ in the State's First Congressional District at the time of appointment and the other student member must ~~reside attend school~~ in the State's Second Congressional District at the time of appointment. Each appointment is subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Senate.

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

Effective April 8, 2013.

---

---

**CHAPTER 16  
H.P. 274 - L.D. 399**

**An Act To Change the Name of  
the Department of Audit**

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

**Sec. 1. 5 MRSA §241, first ¶**, as amended by PL 1973, c. 792, §1, is further amended to read:

The State Auditor ~~shall be~~ is the head of the ~~Department of Audit, as heretofore established~~ Office of the State Auditor. ~~He shall~~ The State Auditor must be a certified public accountant or a college graduate with not less than 6 years of experience as a professional accountant or auditor, including not less than 5 years of auditing experience, of which not less than 4 years ~~shall~~ must have been in a supervisory capacity. ~~He shall~~ The State Auditor must be elected by the Legislature by a joint ballot of the Senators and Representatives in convention and ~~shall hold~~ holds office for a

term of 4 years or until ~~his~~ a successor is elected and qualified. ~~He~~ The State Auditor shall exercise such powers and perform such duties as are set forth in this chapter. In case the office of State Auditor ~~shall become~~ becomes vacant during a period when the Legislature is not in session, the appointment of a person to fill such vacancy ~~shall~~ must be made immediately by the President of the Senate or if that office ~~be is~~ vacant, by the Speaker of the House, ~~said~~ and the person to hold appointed holds that office until such time as the Legislature ~~shall meet~~ meets in regular or special session, and either confirm the appointment of ~~said~~ the person or ~~choose~~ chooses another person to fill the office during the unexpired term.

**Sec. 2. 5 MRSA §242**, as amended by PL 1987, c. 802, §§1 and 2, is further amended to read:

**§242. Organization; deputy**

The ~~Department of Audit~~ Office of the State Auditor ~~must~~ is organized in the manner the State Auditor ~~may deem~~ considers best suited to the accomplishment of its functions. ~~It shall~~ The office may have ~~such~~ those auditors, assistants and employees as the State Auditor may require, but they ~~shall be~~ are subject to the Civil Service Law.

Any person elected to the position of State Auditor or any person permanently employed by the ~~Department of Audit~~ Office of the State Auditor as deputy auditor, director of audits or assistant director of audits must be currently qualified as or have successfully completed or passed the examination for a certified public accountant, public accountant or certified internal auditor. Persons not so qualified may be employed in these audit supervisory positions on a temporary basis not to exceed 9 months.

In the event of a vacancy in the office of State Auditor because of death, resignation, removal or other cause, the deputy auditor shall perform the duties of the office until a State Auditor has been appointed in conformity with section 241, and has been duly qualified. In the event of absence or disability of the State Auditor, the deputy auditor shall likewise perform the duties of the office during ~~his~~ the State Auditor's absence.

**Sec. 3. 5 MRSA §243, first ¶**, as amended by PL 1999, c. 208, §1, is further amended to read:

The ~~Department of Audit~~ Office of the State Auditor has authority:

**Sec. 4. 5 MRSA §243, sub-§3**, as amended by PL 1999, c. 208, §1, is further amended to read:

**3. Municipalities.** To perform audits for cities, towns and villages as required by Title 30-A, sections 5821 to 5823. The rate charged by the ~~department office~~ to perform audits must include the proportional amount of the State Auditor's duties and be used to offset the General Fund costs of the State Auditor;

**Sec. 5. 5 MRSA §243-B**, as corrected by RR 2011, c. 1, §3, is amended to read:

**§243-B. Report regarding discrepancies**

If in the course of any audit of a state department or agency the ~~Department of Audit~~ Office of the State Auditor finds significant discrepancies in the financial records of that state department or agency, the State Auditor shall report, in person, to the joint standing committee of the Legislature that has jurisdiction over that state department or agency within 60 days of the audit findings and the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and state and local government matters. If the Legislature is not in session during that 60 days, the State Auditor may report in writing to those committees.

**Sec. 6. 5 MRSA §244-C, sub-§1, ¶B**, as enacted by PL 1997, c. 703, §1, is amended to read:

B. "Auditor" means the State Auditor or an agent of the State Auditor who is an employee of the ~~Department of Audit~~ Office of the State Auditor.

**Sec. 7. 5 MRSA §244-C, sub-§3, ¶D**, as enacted by PL 1997, c. 703, §1, is amended to read:

D. Other auditors in their work reviewing the ~~Department of Audit~~ Office of the State Auditor.

**Sec. 8. 5 MRSA §246, sub-§1**, as amended by PL 1985, c. 785, Pt. B, §13, is further amended to read:

**1. Position created.** There is created within the ~~Department of Audit~~ Office of the State Auditor the position of fiscal administrator of the unorganized territory. The fiscal administrator ~~shall~~ must be a person qualified by education or experience in the administration of budgets. The position ~~shall be~~ is subject to the Civil Service Law.

**Sec. 9. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 5, chapter 11, in the chapter headnote, the words "department of audit" are amended to read "office of the state auditor" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. 10. Maine Revised Statutes amended; revision clause.** Wherever in the Maine Revised Statutes the words "Department of Audit" appear or reference is made to that department, they are amended to read or mean, "Office of the State Auditor," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.