

## CHAPTER 3

### ADMINISTRATIVE DEPARTMENTS, AGENCIES, BOARDS, ETC., GENERALLY

#### §41. Employment of counsel or witnesses

No head of any department shall employ counsel or witnesses, at the expense of the State, to appear before any committee of the Legislature, without the consent of the Legislature.

#### §42. Exchange of information and records

No state agency, board, commission, department or institution shall be charged for information or copies of records furnished by another state agency, board, commission, department or institution.

#### §43. Annual reports of state agencies

As used in sections 43 through 46, the word "agency" shall mean a state department, agency, office, board, commission or quasi-independent agency, board, commission, authority or institution. [PL 1975, c. 436, §3 (RPR).]

The administrative head or body of each agency shall, on or before September 1st, annually, deliver to the Governor a report of such agency during the preceding fiscal year ending June 30th. An agency using a fiscal year other than that used by the State may report on the basis of its preceding fiscal year. The Legislative branch, through the Legislative Council, and the Judicial branch, through the Chief Justice of the Supreme Judicial Court, the University of Maine System and the Maine Maritime Academy, may also submit reports of these branches of State Government for the previous fiscal year. [PL 1985, c. 779, §8 (AMD).]

The Governor shall immediately cause such reports to be edited with regard to content, arrangement and brevity, except that the constitutional officers elected by the Legislature, the Legislative Council and the Chief Justice and the University of Maine System and the Maine Maritime Academy shall approve any editing of their respective reports. [PL 1985, c. 779, §8 (AMD).]

The Governor shall, no later than December 31st annually, consolidate such reports into a public document entitled "the Maine State Government Annual Report" and shall cause it to be published electronically in the online repository maintained by the State Librarian pursuant to Title 27, section 66 for permanent digital access to government documents. A minimum of 4 copies of the report must be printed and provided to the State Librarian for retention in the Maine State Library government documents collection and distribution to other libraries in the State for patron access. [PL 2021, c. 549, §4 (AMD).]

#### SECTION HISTORY

PL 1973, c. 612 (NEW). PL 1975, c. 436, §3 (RPR). PL 1985, c. 779, §8 (AMD). PL 2021, c. 549, §§4, 5 (AMD).

#### §44. Report provisions

The report of each agency shall include in summary form but not be limited to: [PL 1973, c. 612, §1 (NEW).]

**1. Date of establishment.** The date when the agency was established; [PL 1973, c. 612, §1 (NEW).]

**2. Statutory authority.** The statutory authority of the agency; [PL 1973, c. 612, §1 (NEW).]

**3. Agency address.** The address of the agency's central office;

[PL 1973, c. 612, §1 (NEW).]

**4. Administrative officers.** The names, titles and telephone numbers of the principal administrative officers;

[PL 1973, c. 612, §1 (NEW).]

**5. Agency chart.** An organizational chart of the agency;

[PL 1973, c. 612, §1 (NEW).]

**6. Number of employees.** The average number of full-time employees;

[PL 1973, c. 612, §1 (NEW).]

**7. Authorized employees.** The number of employees authorized by the previous Legislature and a summary by month of the actual number of employees;

[PL 1973, c. 612, §1 (NEW).]

**8. Recurring operating expenditures.** Recurring operating expenditures;

[PL 1973, c. 612, §1 (NEW).]

**9. Fund and account identification.** The identification of all funds and accounts relating to an agency, with their beginning and ending balances; this shall include all federal funds and all funds from any other source;

[PL 1973, c. 612, §1 (NEW).]

**10. Program description.** A description of each program shall be provided and shall include a summary of major expenditures, goals and objectives and future plans.

[PL 1973, c. 612, §1 (NEW).]

A department made up of several distinct units shall provide overall summary information for the department and summary information for each bureau, division, commission, agency and institutional unit, as appropriate. [PL 1973, c. 612, §1 (NEW).]

## SECTION HISTORY

PL 1973, c. 612, §1 (NEW).

### §44-A. Out-of-state travel report

All state agencies shall, within 15 days after the end of each quarter, submit to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of that quarter's out-of-state travel activity. For the purposes of this section, a state agency is any state department or agency, or any part of a state department or agency, that receives an appropriation or an allocation through the state budget process. The report must reflect, for each individual who has been authorized by the agency to travel, the destination, purpose and cost by funding source of each trip. [PL 1991, c. 622, Pt. L, §7 (NEW).]

## SECTION HISTORY

PL 1991, c. 622, §L7 (NEW).

### §45. Discontinuation of duplicate reports

Notwithstanding any other provision of law, the Governor may discontinue the publication of any other annual or biennial report which duplicates the report material provided for in section 43, except for reports of the constitutional officers elected by the Legislature, and reports of the legislative and judicial branches of government, the University of Maine System and the Maine Maritime Academy. He may order the publication of an expanded departmental report, in standard format, in a limited quantity for record purposes. [PL 1985, c. 779, §9 (AMD).]

Notwithstanding any other provision of law, every annual or biennial report required by statute to be made by any agency other than constitutional officers elected by the Legislature, the legislative and

judicial branches of government, the University of Maine System and the Maine Maritime Academy, to the Governor and the Legislature shall be made by inclusion of that report in the Maine State Government Annual Report. The Governor may authorize the publication of special expanded department reports in a limited quantity when justified. [PL 1985, c. 779, §9 (AMD).]

#### SECTION HISTORY

PL 1973, c. 612, §1 (NEW). PL 1975, c. 436, §4 (AMD). PL 1977, c. 370 (AMD). PL 1985, c. 779, §9 (AMD).

#### §46. Descriptions of expenditures

Descriptions of expenditures under all funds and accounts shall be made in using generally the following categories and subcategories: [PL 1975, c. 436, §5 (AMD).]

##### 1. Personal services. Personal services:

A. Wages and salaries; [PL 1973, c. 612, §1 (NEW).]

B. Retirement. [PL 1973, c. 612, §1 (NEW).]

[PL 1973, c. 612, §1 (NEW).]

##### 2. All other. All other:

A. Commodities; [PL 1973, c. 612, §1 (NEW).]

B. Grants, subsidies and pensions; [PL 1973, c. 612, §1 (NEW).]

C. Transfers to other funds; [PL 1973, c. 612, §1 (NEW).]

D. Computer services; [PL 1973, c. 612, §1 (NEW).]

E. All other rents; [PL 1973, c. 612, §1 (NEW).]

F. All other contractual services. [PL 1973, c. 612, §1 (NEW).]

[PL 1973, c. 612, §1 (NEW).]

##### 3. Capital expenditures. Capital expenditures:

A. Buildings and improvements; [PL 1973, c. 612, §1 (NEW).]

B. Equipment; [PL 1973, c. 612, §1 (NEW).]

C. Purchases of land. [PL 1973, c. 612, §1 (NEW).]

[PL 1973, c. 612, §1 (NEW).]

#### SECTION HISTORY

PL 1973, c. 612 (NEW). PL 1975, c. 436, §5 (AMD).

#### §47. Public hearings on appointment of departmental commissioners

**(REPEALED)**

#### SECTION HISTORY

PL 1975, c. 524 (NEW). PL 1975, c. 771, §30 (RP).

#### §48. Interpreter service for the deaf and hard-of-hearing

**(REPEALED)**

#### SECTION HISTORY

PL 1977, c. 704, §1 (NEW). PL 1979, c. 88, §§1-4 (AMD). PL 1983, c. 70 (AMD). PL 1989, c. 36 (AMD). PL 1991, c. 406, §§1,2 (AMD). PL 1993, c. 708, §J1 (AMD). RR 1995, c. 2, §§2,3 (COR). PL 1995, c. 426, §1 (AMD). PL 1995, c. 560, §F1 (AMD). PL 1997, c. 749, §1 (AMD). PL 1999, c. 399, §1 (AMD). PL 1999, c. 399, §20 (AFF). PL 2003, c. 685, §1 (RP).

**§48-A. Communication services for deaf persons, hard-of-hearing persons and late-deafened persons in court and other legal settings**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Advocate" means a person who is not a lawyer and who provides to the public advice or other substantive legal work that is not prohibited by law or regulation. [PL 2003, c. 685, §2 (NEW).]

B. "Agency" means any authority, board, bureau, commission, department or officer of State Government or of any county, municipality, school district or any other political or administrative subdivision. [PL 2003, c. 685, §2 (NEW).]

C. "Bureau" means the Department of Labor, Bureau of Rehabilitation Services. [PL 2003, c. 685, §2 (NEW).]

D. "CART" means computer-assisted real-time transcription using specialized equipment to transcribe real time word-for-word spoken English into written English that can be viewed on a computer screen or projected onto a large screen. [PL 2003, c. 685, §2 (NEW).]

E. "CART provider" means a person who provides CART. [PL 2003, c. 685, §2 (NEW).]

F. "Client" means a deaf person, a hard-of-hearing person, a late-deafened person or a hearing person who is provided interpreting services by a privileged interpreter. [PL 2009, c. 174, §1 (AMD).]

G. "Confidential communication" means a communication that a client has a reasonable expectation is not being disclosed to persons other than a privileged interpreter and any client to whom the communication is intended to be made. [PL 2003, c. 685, §2 (NEW).]

H. "Deaf interpreter" means a deaf person, hard-of-hearing person or late-deafened person with native or near-native fluency in American Sign Language who has training in interpreting and training or experience in the use of gesture, mime, props, drawings and other tools to enhance communication for deaf persons with minimal language skills. [PL 2009, c. 174, §1 (AMD).]

I. "Deaf person" means a person whose sense of hearing is nonfunctional for the purpose of communication and who must depend primarily upon visual communication. [PL 2003, c. 685, §2 (NEW).]

J. "Hard-of-hearing person" means a person who has a hearing loss resulting in a functional loss, but not to the extent that the person must depend primarily upon visual communication. [PL 2003, c. 685, §2 (NEW).]

K. "Interpreting organization" means an organization whose function is to provide qualified legal interpreter services for a fee. [PL 2003, c. 685, §2 (NEW).]

K-1. "Late deafened" means that the sense of hearing of an individual is nonfunctional for the purpose of communication and that the individual must depend primarily upon visual communication. The loss of the sense of hearing for a late-deafened individual occurs after the development of speech and language. [PL 2009, c. 174, §1 (NEW).]

L. "Privileged interpreter" means a person identified by clients as necessary to facilitate accurate communication between the clients and who otherwise has no substantial personal or business interest in the communication. [PL 2003, c. 685, §2 (NEW).]

M. "Qualified legal interpreter" means a person who is licensed under Title 32, chapter 22 as a certified interpreter or certified deaf interpreter and who:

- (1) Is a hearing person who:

- (a) Holds a current Specialist Certificate: Legal from the Registry of Interpreters for the Deaf, Inc. or its successor;
- (c) Is included on the bureau's list of qualified interpreters on the effective date of this section; or
- (d) Possesses qualifications, certifications or credentials to interpret in court proceedings as established by the Supreme Judicial Court; or
- (b)

(2) Is a deaf interpreter who holds a current Certificate of Interpretation from the Registry of Interpreters for the Deaf, Inc. or its successor or a Reverse Skills Certificate from the Registry of Interpreters for the Deaf, Inc. or its successor. A deaf person, hard-of-hearing person or late-deafened person must also satisfy the eligibility criteria for taking the exam for the Specialist Certificate: Legal or its successor. [PL 2019, c. 284, §1 (AMD); PL 2019, c. 343, Pt. PPP, §1 (AMD).]

N. "Travel expenses" means actual expenses for transportation reimbursable at the usual state mileage rate, tolls, parking fees or other fees specified in an agreement between an interpreter or an interpreting organization and an agency or court retaining the services of the interpreter at a specific date, time and place. [PL 2003, c. 685, §2 (NEW).]

[PL 2019, c. 284, §1 (AMD); PL 2019, c. 343, Pt. PPP, §1 (AMD).]

**2. Interpreter services or CART required for agency or court proceedings.** When any personal or property interest of a deaf person, hard-of-hearing person or late-deafened person or of a minor whose parent or guardian is a deaf person, hard-of-hearing person or late-deafened person is the subject of a proceeding before any agency or court, the presiding officer of the proceeding shall appoint a qualified legal interpreter or CART provider.

A. A qualified legal interpreter or CART provider must be appointed under this subsection after consultation with, and giving primary consideration to the request of, the deaf person, hard-of-hearing person or late-deafened person. If the appointed qualified legal interpreter does not meet the needs of the deaf person, hard-of-hearing person or late-deafened person, the presiding officer shall, with the consent of the deaf person, hard-of-hearing person or late-deafened person, appoint another qualified legal interpreter. [PL 2009, c. 174, §1 (AMD).]

B. If a qualified legal interpreter appointed under this subsection for the deaf person, hard-of-hearing person or late-deafened person states that the interpretation is not satisfactory and that a qualified legal interpreter who is a deaf person, a hard-of-hearing person or a late-deafened person will improve the quality of interpretation, the presiding officer shall appoint a qualified legal interpreter who is a deaf person, a hard-of-hearing person or a late-deafened person to assist the qualified legal interpreter. [PL 2009, c. 174, §1 (AMD).]

C. The presiding officer shall appoint as many qualified legal interpreters under this subsection as are necessary to meet the needs of the deaf person, hard-of-hearing person or late-deafened person. [PL 2009, c. 174, §1 (AMD).]

D. A qualified legal interpreter or CART provider appointed under this subsection must be reimbursed by the agency or court conducting the proceeding at a rate negotiated with the qualified legal interpreter or interpreting organization, plus travel expenses; except that employees of the State or any of its political subdivisions, public employees and public or private school, university and college teachers or administrators for interpreting services or anyone who receives a salary during regular work hours may not be reimbursed under this subsection or subsection 3 for interpreter services performed during their regular working hours. This paragraph does not prevent any agency or court from employing a qualified legal interpreter on a full-time basis or under contract at a mutually agreed-upon compensation rate. [PL 2003, c. 685, §2 (NEW).]

E. It is the responsibility of the agency or court conducting the proceeding to ensure compliance with the provisions of this subsection. [PL 2003, c. 685, §2 (NEW).]  
[PL 2009, c. 174, §1 (AMD).]

**3. Interpreting services or CART for consultation with appointed attorneys.** When a court appoints an attorney to represent a deaf person, hard-of-hearing person or late-deafened person or to represent a juvenile whose parent or guardian is a deaf person, hard-of-hearing person or late-deafened person, the court shall provide interpreting services or CART in accordance with this subsection to allow for effective consultation between the attorney and client. Interpreting services or CART provided under this subsection must be paid for directly by the court and is not the responsibility of the attorney.  
[PL 2009, c. 174, §1 (AMD).]

**4. Legal interpreting fund for services of attorneys and advocates, generally.**  
[PL 2019, c. 343, Pt. PPP, §2 (RP).]

**5. Privileged communication.** Except when a court in the exercise of sound discretion determines the disclosure necessary to the proper administration of justice, a privileged interpreter may not disclose any aspect of a confidential communication facilitated by that privileged interpreter unless all clients of the privileged interpreter privy to that confidential communication consent to the disclosure.  
[PL 2003, c. 685, §2 (NEW).]

**6. Oath.** Every qualified legal interpreter appointed under subsection 2 shall, before performing the qualified legal interpreter's duties, take an oath that the qualified legal interpreter will make a true interpretation in an understandable manner to the person for whom the qualified legal interpreter is appointed, and that the qualified legal interpreter will repeat the statements of the person in the English language to the best of the qualified legal interpreter's ability.  
[PL 2003, c. 685, §2 (NEW).]

**7. Provide information.** With the cooperation of the Registry of Interpreters for the Deaf, Inc. or its successor, the bureau shall prepare and continually update a directory listing all qualified legal interpreters in the State. When requested by an agency or court, the bureau shall furnish the agency or court with the directory. The Division for the Deaf, Hard of Hearing and Late Deafened within the bureau shall also provide information to the public, including state agencies and individuals who work with interpreters, regarding the qualifications necessary to become a qualified legal interpreter.  
[PL 2009, c. 174, §1 (AMD).]

#### SECTION HISTORY

PL 2003, c. 685, §2 (NEW). PL 2009, c. 174, §1 (AMD). PL 2017, c. 223, §2 (AMD). PL 2019, c. 284, §1 (AMD). PL 2019, c. 343, Pt. PPP, §§1, 2 (AMD).

#### **§49. Maine Quality Management Council (REPEALED)**

#### SECTION HISTORY

PL 1993, c. 476, §1 (NEW). PL 1995, c. 368, §HH1 (AMD). PL 1999, c. 668, §1 (RP).

#### **§50. Employment protection with implementation of total quality management (REPEALED)**

#### SECTION HISTORY

PL 1993, c. 476, §1 (NEW). PL 1999, c. 668, §2 (RP).

#### **§51. Interpreters; payment**

When personal or property interest of a person who does not speak English is the subject of a proceeding before an agency or a court, the presiding officer of the proceeding shall either appoint a qualified interpreter or utilize a professional telephone-based interpretation service. Payment by the State for an interpreter in civil matters is within the discretion of the agency or court to the extent that payment by the State is not already required by law. [PL 1993, c. 675, Pt. A, §1 (NEW).]

#### SECTION HISTORY

RR 1993, c. 2, §2 (COR). PL 1993, c. 675, §A1 (NEW). PL 1993, c. 707, §BB1 (NEW).

#### **§52. Departmental Total Quality Management Coordinator; positions established (REPEALED)**

#### SECTION HISTORY

RR 1993, c. 2, §2 (RNU). PL 1993, c. 707, §BB1 (NEW). PL 2001, c. 471, §D7 (RP).

#### **§53. Value of fringe benefits**

Every state agency, department, board, commission, institution, authority or public instrumentality shall include in every publication that states the salary of an employee or a position a statement of the dollar value of the fringe benefit package provided. For purposes of this section, "fringe benefits" includes an employer's cost of an employee's health insurance, dental insurance and retirement but does not include the amount paid to cover any unfunded liability. [PL 1995, c. 37, §2 (NEW).]

#### SECTION HISTORY

PL 1995, c. 37, §2 (NEW).

#### **§54. Electronic filing**

Every state agency, department, board, commission, institution, authority or public instrumentality that requires filing of information by businesses or the public: [PL 1999, c. 446, §1 (NEW).]

**1. Forms.** Shall have the filing forms available for downloading from the Internet. This subsection takes effect June 1, 2000; and  
[PL 1999, c. 790, Pt. A, §1 (AMD).]

**2. Inventory.** Shall maintain an inventory of the forms available on the Internet.  
[PL 1999, c. 446, §1 (NEW).]

#### SECTION HISTORY

PL 1999, c. 446, §1 (NEW). PL 1999, c. 790, §A1 (AMD).

#### **§55. Advisory Committee on Fair Competition with Private Enterprise**

In recognition that the provision of goods or services by state governmental agencies or institutions to the public may result in unfair competition practices with private enterprise in Maine, the Advisory Committee on Fair Competition with Private Enterprise, as established in section 12004-I, subsection 2-E and referred to in this section as the "committee," is created to assist State Government in responding to concerns raised by the public regarding government competition with private enterprise. [PL 1999, c. 566, §1 (NEW).]

**1. Membership.** The committee consists of 9 members as follows:

A. Three members representing State Government, including:

(1) The Commissioner of Administrative and Financial Services, or the commissioner's designee, who shall serve as the chair of the committee;

(2) The Commissioner of Economic and Community Development or the commissioner's designee; and

(3) One of the following 3 officials appointed by the Governor on a rotating basis in the following order:

- (a) The Commissioner of Education or a designee;
- (b) The President of the Maine Community College System or a designee; or
- (c) The Chancellor of the University of Maine System or a designee; [PL 1999, c. 566, §1 (NEW); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

B. A member representing employees of State Government, appointed by the Governor; [PL 1999, c. 566, §1 (NEW).]

C. Three members representing private enterprise, including at least 2 members who represent businesses with fewer than 100 employees, appointed by the Governor; and [PL 1999, c. 566, §1 (NEW).]

D. Two members representing the public, appointed by the Governor. [PL 1999, c. 566, §1 (NEW).]

[PL 1999, c. 566, §1 (NEW); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

**2. Terms of appointment.** Terms of appointment are as follows:

A. The terms of appointment for the Commissioner of Administrative and Financial Services and the Commissioner of Economic and Community Development coincide with their terms of office; [PL 1999, c. 566, §1 (NEW).]

B. The term of appointment for the Commissioner of Education, the President of the Maine Community College System or the Chancellor of the University of Maine System is one year; [PL 1999, c. 566, §1 (NEW); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

C. Of the members initially appointed pursuant to subsection 1, paragraphs B, C and D, the 2 members representing the public must be appointed for terms of 3 years, the 2 members representing businesses with fewer than 100 employees must be appointed for terms of 2 years, the remaining member representing private enterprise and the member representing employees of State Government must be appointed for terms of one year; and [PL 1999, c. 566, §1 (NEW).]

D. After initial appointments, members appointed pursuant to subsection 1, paragraphs B, C and D serve 3-year terms. [PL 1999, c. 566, §1 (NEW).]

[PL 1999, c. 566, §1 (NEW); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

**3. Duties of committee.** The committee shall meet at least once annually to review complaints from private enterprise of potentially unfair competition practices by State Government and to make recommendations regarding the disposition of these complaints to the Governor and, when appropriate, to the Legislature.

[PL 1999, c. 566, §1 (NEW).]

**4. Staffing of committee.** The Department of Administrative and Financial Services shall provide administrative and staff support to the committee.

[PL 1999, c. 566, §1 (NEW).]

**5. Report of committee.** The committee shall report by January 15th of each year to the Governor and to the joint standing committee of the Legislature having jurisdiction over state and local government matters on its activities and shall recommend changes in policies or practices that assist in achieving the purposes of this section.

[PL 1999, c. 566, §1 (NEW).]



SECTION HISTORY

PL 1999, c. 566, §1 (NEW). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF).

**§55-A. Unfair competition**

**(REPEALED)**

SECTION HISTORY

PL 2003, c. 238, §1 (NEW). PL 2003, c. 238, §2 (AFF). PL 2021, c. 36, §1 (RP).

**§56. Maine Regulatory Fairness Board established**

**(REPEALED)**

SECTION HISTORY

PL 2001, c. 96, §1 (NEW). PL 2003, c. 681, §2 (AMD). PL 2005, c. 294, §2 (RP).

**§57. Maine Regulatory Fairness Board established**

**(REPEALED)**

SECTION HISTORY

PL 2005, c. 458, §1 (NEW). PL 2007, c. 676, §1 (AMD). PL 2011, c. 304, Pt. D, §1 (RP).

**§58. Access to forms**

Every state agency, department, board, office, commission, institution, authority or public instrumentality that requires filing of information by the public shall make a paper copy of any required filing form available, upon request, by regular mail at no cost to the requestor. [PL 2011, c. 33, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 33, §1 (NEW).

**§59. Juneteenth established as state holiday**

The State designates June 19th of each year as Juneteenth and as a state holiday. All nonessential state offices must be closed on Juneteenth. [PL 2021, c. 140, §2 (NEW).]

SECTION HISTORY

PL 2021, c. 140, §2 (NEW).

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