

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

this district shall expire in ~~1988~~ 1992 and every ~~4~~ 2 years thereafter.

Sec. 3. Apportionment. Notwithstanding the Maine Revised Statutes, Title 30-A, section 61, when the county commissioner districts are reapportioned in 1993, as provided under Title 30-A, section 65, the apportionment commission shall apportion York County into 5 commissioner districts and shall include in its apportionment plan the initial terms of office for each commissioner district. The apportionment commission shall designate 2 commissioner districts which shall have 2-year terms and 3 commissioner districts which shall have 4-year terms. All subsequent terms shall be for 4 years.

Sec. 4. Effective date. Section 1 of this Act takes effect on January 1, 1995. Sections 2 and 3 of this Act take effect on January 1, 1990.

Effective as indicated.

CHAPTER 221

H.P. 378 - L.D. 509

An Act to Authorize the Maine Court Facilities Authority to Accept Gifts and Contributions

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

Sec. 1. 4 MRSA §1604, sub-§§22 to 24, as enacted by PL 1987, c. 438, §1, are amended to read:

22. Executive director; other employees. To employ an executive director, consulting engineers, architects, attorneys, accountants, construction and financial experts and such other employees and agents as may be necessary in its judgment; ~~and~~

23. All acts granted or implied. To do any act necessary or convenient to exercise the powers granted in this Act or reasonably implied from this Act;

24. Contract with Maine Municipal Bond Bank. In carrying out its powers under this section, the authority shall, whenever possible, contract with the Maine Municipal Bond Bank for necessary clerical and administrative services, including use of the Executive Director of the Maine Municipal Bond Bank as the executive director of the authority; and

Sec. 2. 4 MRSA §1604, sub-§25 is enacted to read:

25. Accept federal funds, gifts and contributions. To accept federal funds, gifts and contributions which include, but are not limited to, money; annuities and investments; furnishings, including paintings, artifacts and similar items; or anything of value for the purposes set forth in section 1619.

Sec. 3. 4 MRSA §1619 is enacted to read:

§1619. Gifts and contributions

The authority may accept gifts and contributions as provided in section 1604, subsection 25, for the purpose of designing, constructing, reconstructing, renovating or acquiring court facilities, including facilities for the Supreme Judicial Court, in accordance with section 1606, subsection 2. The authority may accept gifts for the purpose of furnishing court facilities, including the facilities of the Supreme Judicial Court. Furnishings include, but are not limited to, paintings, artifacts, furniture and similar articles.

1. Acceptance of money. The authority, in accepting gifts of money, federal funds or other types of income, shall place this money in a special account for the purpose for which it is provided. The authority may invest the money as provided in this chapter, subject to any limitations imposed by the donor.

2. Acceptance of furnishings. The authority, in accepting furnishings for court facilities, shall allocate the furnishings as directed by the donor.

See title page for effective date.

CHAPTER 222

H.P. 618 - L.D. 841

An Act to Include Certain Proprietary Schools in Eligibility Requirements of the Maine Educational Loan Authority's Supplemental Loan Program

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

Whereas, students who are residents of the State attending institutions of higher education and the families of these students are in need of financial assistance; and

Whereas, it is desirable for the State to make available programs of the Maine Educational Loan Authority to Maine schools not previously eligible; and

Whereas, students need these programs to finance their educational studies as early as possible in 1989; 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:

20-A MRSA §11413, sub-§11, as enacted by PL 1987, c. 807, §3, is amended to read:

11. Institution. "Institution" or "institution of higher education" means any public or private nonprofit educational institution within the State, any public or such an private nonprofit educational institution outside of the State which is attended by residents of the State, any proprietary educational institution within the State for which loan guarantee services are readily and conveniently available to the authority or any proprietary educational institution outside of the State which is attended by residents of the State and for which loan guarantee services are readily and conveniently available to the authority, which:

- A. Provides a program of education beyond the high school level;
- B. Awards an associate, bachelor or advanced degree; and
- C. Meets the conditions of applicable rules.

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

Effective June 5, 1989.

CHAPTER 223

H.P. 638 - L.D. 872

An Act Concerning the Reporting of Alleged Child Abuse

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

22 MRSA §4010-A is enacted to read:

§4010-A. Child abuse policies

1. Policy development. Every public or private agency that is licensed by the Department of Human Services and the Department of Mental Health and Mental Retardation and hires staff or selects volunteers and provides care or services for children shall develop a written policy regarding child abuse and neglect.

The policy shall include:

- A. A description of how the program and children shall be managed to prevent abuse or neglect;
- B. The reporting of suspected abuse or neglect or other violations to the appropriate designated authorities;
- C. The agency's course of action if allegations of abuse or neglect are made against the agency or its staff; and

D. The agency's grievance procedures for staff, and for children and their parents or guardians regarding alleged abuse or neglect.

2. Filing. The agency shall file the policy as part of its application for licensure or renewal with the state entity that regulates the agency within one year of the effective date of this subsection or of the date the agency comes into existence.

3. Availability of policy. The agency shall make the policy available to its staff, clients and the public.

See title page for effective date.

CHAPTER 224

S.P. 336 - L.D. 897

An Act to Provide for the 1989 Allocations of the State Ceiling on Private Activity Bonds

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

Whereas, the Maine Revised Statutes, Title 10, section 363 and Public Law 1987, chapter 668 make a partial allocation of the state ceiling on private activity bonds to some issuers for calendar year 1989, but leave a portion of the state ceiling unallocated and do not provide sufficient allocations for certain types of private activity bonds which may require an allocation prior to the effective date of this Act if not enacted on an emergency basis; and

Whereas, if these bond issues must be delayed due to lack of available state ceiling, the rates and terms under which these bonds may be issued may be adversely affected, resulting in increased costs to beneficiaries or even unavailability of financing for certain projects; 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. 10 MRSA §363, sub-§7, as repealed and replaced by PL 1987, c. 413, §4, is amended to read:

7. Allocation to the Maine Municipal Bond Bank. That portion of the state ceiling allocated to the category of bonds which are general obligations of issuers within the State, other than the State; which are included in bond issues of the Maine Municipal Bond Bank; which are included in bond issues of the Maine Public Utility Financing Bank; or which are qualified redevelopment bonds as defined in the