

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

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

United States Code, Title 26, shall be allocated to the Maine Municipal Bond Bank, which may further allocate that portion of the state ceiling to bonds requiring an allocation in order to qualify as tax-exempt bonds.

Sec. 2. 10 MRSA §363, sub-§9, as enacted by PL 1987, c. 413, §4, is amended to read:

9. Use of carry-forward. In the event that any issuer has made a ~~carry-forward~~ carry-forward election under the United States Code, Title 26, Section 146(f), as amended, the issuer shall use, to the extent possible and consistent with the purpose for which the ~~carry-forward~~ carry-forward was elected, the ~~carry-forward~~ carry-forward for issues subject to the state ceiling prior to allocating any portion of the state ceiling for the applicable calendar year to the issue. To the extent permitted by federal law, the issuers specifically identified in subsections 4 to 8 may reallocate, by unanimous written agreement executed by representatives of each of the issuers, carry-forward amounts from one of the specific issuers designated in this section to another specific issuer.

Sec. 3. 30-A MRSA §5957, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c. 6, c. 9, §2 and c. 104, Pt. C, §§8 and 10 is further amended to read:

§5957. Allocation of state ceiling

By rulemaking under Title 5, chapter 375, subchapter II, the bank may establish a process for allocation and ~~carry-forward~~ carry-forward of that portion of the state ceiling on issuance of tax-exempt bonds allocated to the bank under Title 10, chapter 9. The executive director of the Maine Municipal Bond Bank is designated as the state official authorized to issue the certification under the United States Code, Title 26, Section 149(e)(2)(F), as amended, for allocations of the state ceiling allocated to the bank pursuant to Title 10, chapter 9.

Sec. 4. 35-A MRSA §2906, sub-§2 is enacted to read:

2. Allocation of state ceiling. The bank may establish a process for allocation and carry-forward of that portion of the state ceiling on issuance of tax-exempt bonds allocated to the bank under Title 10, chapter 9. The executive director is designated as the state official authorized to issue the certification under the United States Code, Title 26, Section 149(e)(2)(F), as amended, for allocations of the state ceiling allocated to the bank pursuant to Title 10, chapter 9.

Sec. 5. Allocation to the Treasurer of State. Twenty million dollars of the state ceiling for calendar year 1989, previously allocated to the Treasurer of State, shall remain allocated to the Treasurer of State. Twenty million dollars of the state ceiling for calendar year 1990 is allocated to the Treasurer of State to be used in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 5.

Sec. 6. Allocation to the Finance Authority of Maine. The \$25,000,000 in state ceiling for calendar year

1989 previously allocated to the Finance Authority of Maine, plus an additional \$31,500,000, is allocated to the Finance Authority of Maine to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 6. Twenty-five million dollars of the state ceiling for calendar year 1990 is allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsection 6.

Sec. 7. Allocation to the Maine Municipal Bond Bank. The \$12,000,000 of the state ceiling previously allocated to the Maine Municipal Bond Bank for calendar year 1989 plus an additional \$21,000,000 of the state ceiling for calendar year 1989 is allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 7. Ten million dollars of the state ceiling for calendar year 1989 is allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with Title 10, section 363, subsection 7.

Sec. 8. Allocation to the Maine Educational Loan Authority. Thirteen million five hundred thousand dollars of the state ceiling for calendar year 1989 is allocated to the Maine Educational Loan Authority to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 8. Thirty million dollars of the state ceiling for calendar year 1990 is allocated to the Maine Educational Loan Authority to be used or reallocated in accordance with Title 10, section 363, subsection 8.

Sec. 9. Allocation to the Maine State Housing Authority. Ten million dollars of the state ceiling for calendar year 1989 previously allocated to the Maine State Housing Authority plus an additional \$17,000,000 is allocated to the Maine State Housing Authority to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 4. Ten million dollars of the state ceiling for calendar year 1990 is allocated to the Maine State Housing Authority for the same uses.

Sec. 10. Unallocated state ceiling. Fifty-five million dollars of the state ceiling for calendar year 1990 is unallocated and shall be reserved for future allocation in accordance with applicable law.

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

Effective June 5, 1989.

CHAPTER 225

H.P. 676 - L.D. 925

An Act to Clarify the Laws Relating to Marriage

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