

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

prepared in accordance with generally accepted accounting principles and certified by an independent certified public accountant.

6. Examination. The director may make an examination of the affairs of any licensed home service company as ~~he deems~~ necessary. Such an examination must be performed under the guidance of the Superintendent of Insurance specifically for determination of the financial condition of the home service company. The director, upon advice from the Superintendent of Insurance, may take appropriate action allowed under section 13229. Every home service company shall make its books and records relating to its home service contract operations available for the examination. All expenses relating to such an examination ~~shall~~ **must** be borne by the home service company being examined.

See title page for effective date.

CHAPTER 628

H.P. 977 - L.D. 1420

An Act to Correct an Error in the Law Creating a Special Housing Allowance

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

Whereas, shelter costs have become very high and are continuing to rise in all parts of the State; and

Whereas, many families receiving Aid to Families with Dependent Children benefits do not have sufficient income to meet these costs; and

Whereas, this creates severe hardship and the threat of homelessness for these families as well as significant cost to municipalities that must meet these needs through their general assistance programs; 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. 22 MRSA §3760-D, sub-§2-A, as enacted by PL 1991, c. 622, Part M, §15, is repealed.

Sec. 2. Effective date. This Act takes effect retroactively to December 23, 1991.

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

Effective February 13, 1992.

CHAPTER 629

H.P. 1568 - L.D. 2210

An Act to Correct an Omission from the Recodification of Title 30

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 30 was recodified as Title 30-A in 1989; and

Whereas, language in Title 30 designating the Director of the Maine State Housing Authority as the official responsible for certifying that housing-related bonds meet the bond volume requirements of the Internal Revenue Code was unintentionally omitted from the recodification of the Act; and

Whereas, the unintended repeal of this designation has created uncertainty concerning the issuance of the Maine State Housing Authority's bonds, the proceeds of which are used to finance housing for low-income people in the State; 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. 30-A MRSA §4741, sub-§14, as amended by PL 1991, c. 622, Pt. J, §21 and affected by §25, is further amended to read:

14. State housing credit agency. The Maine State Housing Authority is designated the housing credit agency for the State and may receive and allocate, according to a process established by rulemaking pursuant to Title 5, chapter 375, subchapter II, the annual state housing credit ceiling for the low-income housing credit established by the United States Code, Title 26; ~~and~~

Sec. 2. 30-A MRSA §4741, sub-§15, as enacted by PL 1991, c. 622, Pt. J, §22 and affected by §25, is amended to read:

15. State weatherization, conservation and fuel assistance agency. The Maine State Housing Authority is designated the weatherization, energy conservation and fuel assistance agency for the State and may apply for, receive, distribute and administer federal funds on behalf of the State for weatherization, energy conservation and fuel assistance pursuant to the Weatherization Assistance for Low-income Persons Program administered through the United States Department of Energy and the Low-income Home Energy Assistance Program administered through the United States Department of Health and Human Services in accordance with rules adopted under the Maine Administrative Procedure Act; and

Sec. 3. 30-A MRSA §4741, sub-§16 is enacted to read:

16. Certification of bonds. The director of the Maine State Housing Authority is the State's designee to certify to the United States Secretary of the Treasury that housing-related bonds issued in the State satisfy the applicable ceiling requirements of the federal Internal Revenue Code.

Sec. 4. Legislative intent. It is the intent of the Legislature that this Act be construed as correcting an error resulting from the recodification of the Maine Revised Statutes, Title 30 by enacting in Title 30-A language that was intended to be carried over from Title 30 as part of the recodification.

Sec. 5. Ratification. All certifications that housing-related bonds issued in the State satisfy the applicable ceiling requirements of the federal Internal Revenue Code made by the director of the Maine State Housing Authority between February 28, 1989 and the effective date of this Act are ratified and validated.

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

Effective February 21, 1992.

CHAPTER 630

S.P. 656 - L.D. 1732

An Act to Require Certain Disclosures in Adoptions and to Provide Additional Protective Services for Children

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

Sec. 1. 19 MRSA §533, as amended by PL 1989, c. 818, §2, is repealed and the following enacted in its place:

§533. Proceedings

1. Adoption study. Upon the filing of a petition for adoption of a minor child, unless one of the petitioners is a blood relative of the child or the petitioners have received the child from the Department of Human Services or from a licensed adoption agency, the court shall notify the department, which shall, either through its own workers or through a licensed adoption agency, investigate the conditions and antecedents of the child to determine whether the child is a proper subject for adoption and whether the proposed home is suitable for the child.

2. Child's background. The Department of Human Services or licensed adoption agency shall obtain medical or genetic information on the biological parents and child and whatever information may be reasonably available regarding the child's background and history that pertains to serious sexual, emotional or physical abuse of or harm to the child. This information must be filed with the court and, if it appears that the adoption will be granted and this information has not previously been made available to the adoptive parents pursuant to Title 22, section 4008, subsection 3, paragraph G or Title 22, section 8205, the court shall make the information available to the adoptive parents, prior to issuing the decree pursuant to subsection 6, with protection for the identity of persons other than the child.

3. Probationary period. The court may require that the child live for one year in the home of the petitioners before the petition is granted and that the child, during all or part of this probationary period, be under the supervision of the Department of Human Services or a licensed adoption agency.

4. Guardian ad litem. The court may appoint a guardian ad litem for the child at any time during the proceedings.

5. Adoption registry. Before the adoption is decreed, the court shall ensure that the petitioners are informed of the existence of the adoption registry and the services available under Title 22, section 2706-A.

6. Approval of petition. If the judge is satisfied of the identity and relations of the parties, of the ability of the petitioners to bring up and educate the child properly, having reference to the condition of the child's biological parents, and of the fitness and propriety of the adoption, the judge shall make a decree setting forth the facts and declaring that from that date the child is the child of the petitioners and that the child's name is changed, without requiring public notice of that change.

7. Birth record. A certified copy of the birth record of the child proposed for adoption must be presented with the petition for adoption, provided the certified copy can be obtained or made available by filing a delayed birth registration. After the adoption has been