

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

needs, designated by the Maine State Nurses Association; and

K. One member representing the organizational development profession, appointed jointly by the President of the Senate and the Speaker of the House.

All appointments must be made no later than 15 days following the effective date of this Act. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the Chair of the Legislative Council shall call and convene the first meeting of the task force no later than September 15, 1997. The task force shall select a chair from among its legislative members.

**3. Staff assistance.** The task force may request staffing and clerical assistance from the Legislative Council.

**4. Reimbursement.** The task force members who are Legislators are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses for each day's attendance at meetings of the task force. The Executive Director of the Legislative Council shall administer the task force's budget.

**5. Report.** The task force shall submit its report with any accompanying legislation to the Second Regular Session of the 118th Legislature by January 1, 1998.

**6. Meetings.** The task force may meet up to 3 times.

**Sec. 21. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1997-98

**LEGISLATURE**

**Task Force to Study the Cost-effectiveness of the Child Development Services System**

Personal Services	\$660
All Other	1,100

Provides funds for the per diem and expenses of legislative members and miscellaneous costs, including printing, of the Task Force to Study the Cost-effectiveness of

the Child Development Services System.

**LEGISLATURE**

**TOTAL** \$1,760

See title page for effective date.

**CHAPTER 535**

**H.P. 360 - L.D. 505**

**An Act to Establish a Tuition Rate for Education in the Unorganized Territory**

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

**Sec. 1. 20-A MRSA §3304, sub-§1,** as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

**Sec. 2. 20-A MRSA §3304, sub-§1-A** is enacted to read:

**1-A. Charges.** The per pupil tuition charge must be an amount equal to 125% of the state average expenditure per elementary pupil during the preceding year, as determined annually by the commissioner pursuant to section 5804 or the receiving school administrative unit's actual expenditure per elementary pupil for the preceding year as calculated by the commissioner, whichever is less.

See title page for effective date.

**CHAPTER 536**

**S.P. 117 - L.D. 396**

**An Act to Allow the Maine Forest Service to Retain Funds from the Sale of Real Estate**

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

**Sec. 1. 12 MRSA §8003, sub-§3, ¶M,** as amended by PL 1993, c. 335, §1, is further amended to read:

M. ~~The~~ Except for lands acquired under the authority of paragraph N, the director is authorized, with the consent of the commissioner, to sell, grant, lease, transfer or otherwise convey any real or personal property under the jurisdiction of the bureau. The director shall deposit the proceeds from the sale or lease of property purchased with Maine Forestry District tax funds in

Forest Fire Control Accounts. ~~This authority does not apply to lands acquired under the authority of paragraph N. Property at the state nursery may be sold for agricultural or forestry purposes if surplus to the needs of the nursery and the proceeds are retained by the Maine Forest Service. The bureau shall transfer the low-level radioactive waste site on the state nursery property, along with appropriate buffers and access, to the University of Maine and the University of Maine shall accept the transfer. At least 60 days prior to offering any surplus property for sale under this paragraph, the director shall notify the Executive Director of the Legislative Council and the joint standing committee of the Legislature having jurisdiction over natural forest resources of the director's intent to sell the property.~~

**Sec. 2. 12 MRSA §8003, sub-§3, ¶M-1** is enacted to read:

M-1. The proceeds under paragraph M may be used only to upgrade existing structures owned by the Division of Forest Fire Control, to consolidate operations of the division through the improvement, repair, replacement, purchase or construction of structures and to purchase land upon which to build structures. Ownership of any land purchased under this paragraph or structures purchased or constructed under this paragraph must be held in the name of the division. Ownership of land or property purchased under this paragraph may also be held in the name of the Bureau of General Services when the division participates in the consolidation of facilities with other state agencies. Any purchase of land or a structure pursuant to this paragraph must be approved by the Director of the Bureau of General Services.

**Sec. 3. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1997-98	1998-99
<b>CONSERVATION, DEPARTMENT OF Forest Fire Control - Division of</b>		
All Other	\$105,000	\$105,000
Allocates funds to reflect an increase in dedicated revenues from the sale of		

lease of certain state-owned properties.

See title page for effective date.

**CHAPTER 537**

**H.P. 1290 - L.D. 1835**

**An Act to Implement Federal Welfare Reform Mandates for State Child Support Enforcement Laws**

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

**Sec. 1. 9-B MRSA §162**, as enacted by PL 1977, c. 416, is amended to read:

**§162. Disclosure of financial records prohibited; exceptions**

A fiduciary institution may not disclose to any person, except to the customer or his the customer's duly authorized agent, any financial records relating to that customer of that fiduciary institution unless:

**1. Authorized disclosure.** The customer has authorized disclosure to the person; or

**2. Disclosure in response to legal process.** The financial records are disclosed in response to a lawful subpoena, summons, warrant or court order ~~which that~~ meets the requirements of section 163; or

**3. Disclosure in response to a request by the Department of Human Services.** The financial records are disclosed in response to a request for information by the Department of Human Services for purposes related to establishing, modifying or enforcing a child support order.

**Sec. 2. 9-B MRSA §163**, as amended by PL 1997, c. 16, §1, is further amended to read:

**§163. Subpoena, summons, warrant or court order**

**1. Service.** A fiduciary institution shall disclose financial records under section 162 pursuant to a subpoena, summons, warrant or court order that on its face appears to have been issued upon lawful authority only if the subpoena, summons, warrant or court order is served upon the customer prior to disclosure by the fiduciary institution. The agency or person requesting the disclosure of financial records shall certify in writing to the fiduciary institution the fact that the subpoena, summons, warrant or court order has been served upon the customer. The court for good cause shown may delay or dispense with service of the subpoena, summons, warrant or court order upon the customer. The court shall delay or dispense with