

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

1. Forester. Every person holding an active licensed professional forester license must be issued a forester license at the time the licensee next is issued a license.

2. Intern forester. Every person registered as an intern must be issued an intern forester license at the time the registrant next is issued a license.

3. Register intent to apply. An applicant for a forester license shall register the applicant's intent to meet the education provisions of the former Maine Revised Statutes, Title 32, chapter 75 by filing an application with the Board of Licensure of Foresters on or before April 30, 2002 that demonstrates the applicant's then-existing status towards meeting the education, or the substituted experience, licensure requirements under former Title 32, section 5012, subsection 1. Pursuant to rules adopted by the board, the applicant shall also demonstrate to the board on or before April 30, 2008 that the applicant has met all of the requirements of the former Title 32, chapter 75 by that date. With the exception of the education requirements, the applicant shall satisfy all of the licensure requirements of Title 32, chapter 76 in applying for a forester license. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 262

S.P. 521 - L.D. 1640

An Act to Conform the State's Financial Services Privacy Laws with Federal Law

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

PART A

Sec. A-1. 9-A MRSA §3-314 is enacted to read:

§3-314. Privacy of consumer financial information

A creditor shall comply with the provisions of the federal Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. (1999) and the applicable implementing federal Privacy of Consumer Information regulations, as adopted by the Office of the Comptroller of the Currency, 12 Code of Federal Regulations, Part 40 (2001); the Board of Governors of the Federal Reserve System, 12 Code of Federal Regulations, Part 216 (2001); the Federal Deposit Insurance Corporation, 12 Code of Federal Regulations, Part 332 (2001); the Office of Thrift Supervi-

sion, 12 Code of Federal Regulations, Part 573 (2001); the National Credit Union Administration, 12 Code of Federal Regulations, Part 716 (2001); the Federal Trade Commission, 16 Code of Federal Regulations, Part 313 (2001); or the Securities and Exchange Commission, 17 Code of Federal Regulations, Part 248 (2001), if the creditor is a financial institution as defined in those regulations. This section is not intended to permit the release of health care information except as permitted by Title 22, section 1711-C or Title 24-A, chapter 24. This section does not apply to a supervised financial organization.

Sec. A-2. 9-A MRSA §9-310 is enacted to read:

§9-310. Privacy of consumer financial information

A creditor shall comply with the provisions of the federal Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. (1999) and the applicable implementing federal Privacy of Consumer Information regulations, as adopted by the Office of the Comptroller of the Currency, 12 Code of Federal Regulations, Part 40 (2001); the Board of Governors of the Federal Reserve System, 12 Code of Federal Regulations, Part 216 (2001); the Federal Deposit Insurance Corporation, 12 Code of Federal Regulations, Part 332 (2001); the Office of Thrift Supervision, 12 Code of Federal Regulations, Part 573 (2001); the National Credit Union Administration, 12 Code of Federal Regulations, Part 716 (2001); the Federal Trade Commission, 16 Code of Federal Regulations, Part 313 (2001); or the Securities and Exchange Commission, 17 Code of Federal Regulations, Part 248 (2001), if the creditor is a financial institution as defined in those regulations. This section is not intended to permit the release of health care information except as permitted by Title 22, section 1711-C or Title 24-A, chapter 24.

Sec. A-3. 9-A MRSA §10-306 is enacted to read:

§10-306. Privacy of consumer financial information

A credit services organization shall comply with the provisions of the federal Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. (1999) and the applicable implementing federal Privacy of Consumer Information regulations, as adopted by the Office of the Comptroller of the Currency, 12 Code of Federal Regulations, Part 40 (2001); the Board of Governors of the Federal Reserve System, 12 Code of Federal Regulations, Part 216 (2001); the Federal Deposit Insurance Corporation, 12 Code of Federal Regulations, Part 332 (2001); the Office of Thrift Supervision, 12 Code of Federal Regulations, Part 573 (2001); the National Credit Union Administration, 12

Code of Federal Regulations, Part 716 (2001); the Federal Trade Commission, 16 Code of Federal Regulations, Part 313 (2001); or the Securities and Exchange Commission, 17 Code of Federal Regulations, Part 248 (2001), if the credit services organization is a financial institution as defined in those regulations. This section is not intended to permit the release of health care information except as permitted by Title 22, section 1711-C or Title 24-A, chapter 24.

Sec. A-4. 9-A MRSA §11-122 is enacted to read:

§11-122. Privacy of consumer financial information

A merchant who enters into a rental-purchase agreement with a consumer shall comply with the provisions of the federal Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. (1999) and the applicable implementing federal Privacy of Consumer Information regulations, as adopted by the Office of the Comptroller of the Currency, 12 Code of Federal Regulations, Part 40 (2001); the Board of Governors of the Federal Reserve System, 12 Code of Federal Regulations, Part 216 (2001); the Federal Deposit Insurance Corporation, 12 Code of Federal Regulations, Part 332 (2001); the Office of Thrift Supervision, 12 Code of Federal Regulations, Part 573 (2001); the National Credit Union Administration, 12 Code of Federal Regulations, Part 716 (2001); the Federal Trade Commission, 16 Code of Federal Regulations, Part 313 (2001); or the Securities and Exchange Commission, 17 Code of Federal Regulations, Part 248 (2001), if the merchant is a financial institution as defined in those regulations. This section is not intended to permit the release of health care information except as permitted by Title 22, section 1711-C or Title 24-A, chapter 24. This section does not apply to a supervised financial organization.

PART B

Sec. B-1. 9-B MRSA §161, sub-§1, as amended by PL 1997, c. 398, Pt. L, §6, is repealed.

Sec. B-2. 9-B MRSA §161, sub-§1-A is enacted to read:

1-A. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Affiliate" has the same meaning as in section 131, subsection 1-A.

B. "Credit union authorized to do business in this State" has the same meaning as in section 131, subsection 12-A.

C. "Customer" means any person as that term "person" is defined in section 131, subsection 30 who utilized or is utilizing any service of a financial institution authorized to do business in this State or a credit union authorized to do business in this State or for whom a financial institution authorized to do business in this State or a credit union authorized to do business in this State is acting or has acted as a fiduciary in relation to an account maintained in the person's name. In addition, "customer" means any person who provides information to a financial institution authorized to do business in this State or a credit union authorized to do business in this State in an attempt to utilize any service of that financial institution or credit union.

D. "Financial institution authorized to do business in this State" has the same meaning as in section 131, subsection 17-A.

E. "Financial records" means the originals or copies of records held by a financial institution authorized to do business in this State or a credit union authorized to do business in this State or their agents or affiliates pertaining to a customer's relationship with the financial institution or credit union and includes information derived from such records.

F. "Supervisory agency" means:

- (1) The Federal Deposit Insurance Corporation;
- (2) The Office of Thrift Supervision;
- (3) The Federal Home Loan Bank Board;
- (4) The National Credit Union Administration;
- (5) The Federal Reserve Board;
- (6) The Office of the Comptroller of the Currency;
- (7) The Bureau of Banking within the Department of Professional and Financial Regulation;
- (8) The Office of Consumer Credit Regulation within the Department of Professional and Financial Regulation;
- (9) The Bureau of Insurance within the Department of Professional and Financial Regulation;
- (10) The Securities Division within the Department of Professional and Financial Regulation; and

(11) The United States Securities and Exchange Commission.

Sec. B-3. 9-B MRSA §161, sub-§2, as amended by PL 1999, c. 127, Pt. A, §21 and c. 218, §1, is further amended to read:

2. Exemptions. This chapter does not prohibit:

A. The preparation, examination, handling or maintenance of any financial records by any officer, employee or agent of a ~~fiduciary financial~~ institution authorized to do business in this State or credit union authorized to do business in this State having custody of such records or the examination of such records by a certified public accountant engaged by the ~~fiduciary financial~~ institution or credit union to perform an independent audit;

B. The examination of any financial records by, or the furnishing of financial records by a ~~fiduciary financial~~ institution authorized to do business in this State or credit union authorized to do business in this State to, any officer, employee or agent of a supervisory agency for use solely in the exercise of ~~his~~ the duties ~~as an~~ of the officer, employee or agent;

C. The publication of data furnished from financial records relating to customers ~~where~~ when the data ~~cannot~~ can not be identified to any particular customer or account;

D. The making of reports or returns required under the United States Internal Revenue Code, ~~chapter~~ Chapter 61, including the submission of information concerning interest earned on accounts, investigatory activity authorized by the United States Internal Revenue Code and any use to which the reports or returns would be subjected once submitted;

E. Furnishing information permitted to be disclosed under the Uniform Commercial Code concerning the dishonor of any negotiable instrument;

F. The exchange in the regular course of business of credit information between a ~~fiduciary financial~~ institution authorized to do business in this State or credit union authorized to do business in this State and other ~~fiduciary financial~~ institutions or credit unions or commercial enterprises, directly or through a consumer reporting agency;

G. Any disclosure of financial records made pursuant to section 226;

H. The examination of the financial records authorized by Title 36, section 112 or section 176-A, subsection 4;

I. Any disclosure of financial records made pursuant to Title 22, section 16, 17 or 4314;

J. Any disclosure of financial records made under the Federal Currency and Foreign Transactions Reporting Act, Public Law 91-508, 31 United States Code, Section 5311, et seq., as amended;

K. The examination or furnishing of any financial records by a ~~fiduciary financial~~ institution authorized to do business in this State or credit union authorized to do business in this State to any officer, employee or agent of the Treasurer of State for use solely in the exercise of that officer's, employee's or agent's duties under Title 33, chapter 41; ~~or~~

L. The exchange of financial records between a ~~fiduciary financial~~ institution authorized to do business in this State or credit union authorized to do business in this State and a consumer reporting agency or between or among a ~~fiduciary financial~~ institution authorized to do business in this State or credit union authorized to do business in this State and its subsidiaries, employees, agents or affiliates ~~as,~~ including those permitted under Title 10, chapter 210 or 15 United States Code, Chapter 41; ~~;~~

M. The sharing of information to the extent permitted by the provisions of the federal Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. (1999) and the applicable implementing federal Privacy of Consumer Information regulations, as adopted by the Office of the Comptroller of the Currency, 12 Code of Federal Regulations, Part 40 (2001); the Board of Governors of the Federal Reserve System, 12 Code of Federal Regulations, Part 216 (2001); the Federal Deposit Insurance Corporation, 12 Code of Federal Regulations, Part 332 (2001); the Office of Thrift Supervision, 12 Code of Federal Regulations, Part 573 (2001); the National Credit Union Administration, 12 Code of Federal Regulations, Part 716 (2001); the Federal Trade Commission, 16 Code of Federal Regulations, Part 313 (2001); or the Securities and Exchange Commission, 17 Code of Federal Regulations, Part 248 (2001). This paragraph is not intended to permit the release of health care information except as permitted by Title 22, section 1711-C or Title 24-A, chapter 24; or

N. The sharing of financial records with affiliates other than as permitted under paragraphs L and M.

Sec. B-4. 9-B MRSA §162, first ¶, as amended by PL 1997, c. 537, §1 and affected by §62, is further amended to read:

A fiduciary financial institution authorized to do business in this State or credit union authorized to do business in this State or its affiliates may not disclose to any person, except to the customer or the customer's duly authorized agent, any financial records relating to that customer of that fiduciary financial institution or credit union unless:

Sec. B-5. 9-B MRSA §163, as amended by PL 1999, c. 197, §1, is further amended to read:

§163. Subpoena, summons, warrant or court order

1. Service. A fiduciary financial institution authorized to do business in this State or credit union authorized to do business in this State 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 financial institution or credit union. The agency or person requesting the disclosure of financial records shall certify in writing to the fiduciary financial institution or credit union 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 service of the subpoena, summons, warrant or court order upon the customer upon notice by the Attorney General, the Attorney General's designee or the District Attorney that service upon the customer would not be in the public interest. A subpoena, summons or warrant issued in connection with a criminal proceeding or state or federal grand jury proceeding, a request for information by the Department of Human Services for purposes related to establishing, modifying or enforcing a child support order or a trustee process lawfully issued need not be served upon the customer.

Sec. B-6. 9-B MRSA §164, as amended by PL 1991, c. 824, Pt. A, §11, is further amended to read:

§164. Penalties

1. Violation. Any officer or employee of a fiduciary financial institution authorized to do business in this State, credit union authorized to do business in this State, affiliate or consumer reporting agency who intentionally or knowingly furnishes financial records

in violation of this chapter commits a civil violation and shall be subject to for which the superintendent may assess a civil penalty of not more than \$1,000 \$5,000 per violation. Any financial institution authorized to do business in this State or credit union authorized to do business in this State that intentionally or knowingly furnishes financial records in violation of this chapter or intentionally or knowingly allows an affiliate to furnish financial records in violation of this chapter commits a civil violation for which the superintendent may assess a civil penalty of not more than \$10,000 per violation. Any fiduciary financial institution authorized to do business in this State or credit union authorized to do business in this State or any agent or employee of a fiduciary financial institution or credit union making a disclosure of financial records in good-faith reliance upon the certificate of agency or person requesting the disclosure, that the provisions of section 163 requiring prior notice to the customer have been complied with, shall is not be liable to the customer for the disclosures and shall is not be liable for any civil penalties under this section.

2. Inducing violation. Any person who intentionally or knowingly induces or attempts to induce any officer or employee of a fiduciary financial institution authorized to do business in this State, credit union authorized to do business in this State or consumer reporting agency to disclose financial records in violation of this chapter commits a civil violation and is subject to for which the superintendent may assess a civil penalty of not more than \$1,000 \$10,000 per violation.

Sec. B-7. 9-B MRSA §241, sub-§12 is enacted to read:

12. Privacy of consumer information. A financial institution authorized to do business in this State or a credit union authorized to do business in this State shall comply with the provisions of the federal Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. (1999) and the applicable implementing federal Privacy of Consumer Information regulations, as adopted by the Office of the Comptroller of the Currency, 12 Code of Federal Regulations, Part 40 (2001); the Board of Governors of the Federal Reserve System, 12 Code of Federal Regulations, Part 216 (2001); the Federal Deposit Insurance Corporation, 12 Code of Federal Regulations, Part 332 (2001); the Office of Thrift Supervision, 12 Code of Federal Regulations, Part 573 (2001); or the National Credit Union Administration, 12 Code of Federal Regulations, Part 716 (2001). This subsection is not intended to permit the release of health care information except as permitted by Title 22, section 1711-C or Title 24-A, chapter 24.

Any violation of this subsection is an anticompetitive or deceptive practice for the purposes of this chapter and is subject to the remedies provided in this chapter in addition to remedies otherwise provided by law.

PART C

Sec. C-1. 24-A MRSA §212, as amended by PL 1991, c. 885, Pt. E, §23 and affected by §47, is further amended to read:

§212. Rules and regulations

Subject to the applicable requirements and procedures of the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II, the superintendent may ~~make, promulgate~~ adopt, amend and rescind reasonable rules ~~and regulations~~ to aid the administration or effectuation of any provisions of this Title or of ~~the following any other state or federal statutes to the extent administered or enforced by the superintendent: Title 5, chapter 501; Title 32, section 13773; and Title 39-A, sections 357, 403 and 404.~~

Sec. C-2. 24-A MRSA §2203, sub-§3, as enacted by PL 1997, c. 677, §3 and affected by §5, is amended to read:

3. Exception. ~~This~~ Except to the extent expressly provided in rules adopted by the superintendent pursuant to section 2220, this chapter does not apply to insurance transactions arising out of workers' compensation, medical malpractice, fidelity, suretyship, or boiler and machinery, property or casualty insurance or information collected from public records for the purpose of title insurance.

Sec. C-3. 24-A MRSA §2220, as enacted by PL 1997, c. 677, §3 and affected by §5, is amended to read:

§2220. Rulemaking

The superintendent may adopt rules to carry out the purposes of this chapter and the privacy protection provisions of the federal Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. (1999). Rules adopted pursuant to this chapter are ~~major substantive routine technical~~ rules as defined by Title 5, chapter 375, subchapter II-A.

PART D

Sec. D-1. 32 MRSA §10313, sub-§1, ¶J, as enacted by PL 1985, c. 400, §2, is amended to read:

J. Has failed reasonably to supervise sales representatives if a broker-dealer, or employees if an investment adviser; ~~or~~

Sec. D-2. 32 MRSA §10313, sub-§1, ¶K, as amended by PL 1989, c. 542, §25, is further amended to read:

K. Has failed to pay the proper filing fee, but the administrator shall vacate any order under this paragraph when the deficiency has been corrected; ~~or~~

Sec. D-3. 32 MRSA §10313, sub-§1, ¶L is enacted to read:

L. Has failed to comply with the privacy provisions of the federal Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. (1999) and the implementing Regulation S-P, federal Privacy of Consumer Financial Information, 17 Code of Federal Regulations, Part 248 (2001) adopted by the United States Securities and Exchange Commission. This paragraph is not intended to permit the release of health care information except as permitted by Title 22, section 1711-C or Title 24-A, chapter 24.

PART E

Sec. E-1. 30-A MRSA §3964-A, sub-§4 is enacted to read:

4. Privacy of consumer financial information.

A pawnbroker shall comply with the provisions of the federal Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. (1999) and the applicable implementing federal Privacy of Consumer Information regulations, as adopted by the Office of the Comptroller of the Currency, 12 Code of Federal Regulations, Part 40 (2001); the Board of Governors of the Federal Reserve System, 12 Code of Federal Regulations, Part 216 (2001); the Federal Deposit Insurance Corporation, 12 Code of Federal Regulations, Part 332 (2001); the Office of Thrift Supervision, 12 Code of Federal Regulations, Part 573 (2001); the National Credit Union Administration, 12 Code of Federal Regulations, Part 716 (2001); the Federal Trade Commission, 16 Code of Federal Regulations, Part 313 (2001); or the Securities and Exchange Commission, 17 Code of Federal Regulations, Part 248 (2001), if the pawnbroker is a financial institution as defined in those regulations. This subsection is not intended to permit the release of health care information except as permitted by Title 22, section 1711-C or Title 24-A, chapter 24.

Sec. E-2. 32 MRSA §6146 is enacted to read:

§6146. Privacy of consumer financial information

A check cashing business or foreign currency exchange business shall comply with the provisions of the federal Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. (1999) and the applicable

implementing federal Privacy of Consumer Information regulations, as adopted by the Office of the Comptroller of the Currency, 12 Code of Federal Regulations, Part 40 (2001); the Board of Governors of the Federal Reserve System, 12 Code of Federal Regulations, Part 216 (2001); the Federal Deposit Insurance Corporation, 12 Code of Federal Regulations, Part 332 (2001); the Office of Thrift Supervision, 12 Code of Federal Regulations, Part 573 (2001); the National Credit Union Administration, 12 Code of Federal Regulations, Part 716 (2001); the Federal Trade Commission, 16 Code of Federal Regulations, Part 313 (2001); or the Securities and Exchange Commission, 17 Code of Federal Regulations, Part 248 (2001), if the check cashing business or foreign currency exchange business is a financial institution as defined in those regulations. This section is not intended to permit the release of health care information except as permitted by Title 22, section 1711-C or Title 24-A, chapter 24.

Sec. E-3. 32 MRSA §6162 is enacted to read:

§6162. Privacy of consumer financial information

A cash-dispensing machine operator shall comply with the provisions of the federal Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. (1999) and the applicable implementing federal Privacy of Consumer Information regulations, as adopted by the Office of the Comptroller of the Currency, 12 Code of Federal Regulations, Part 40 (2001); the Board of Governors of the Federal Reserve System, 12 Code of Federal Regulations, Part 216 (2001); the Federal Deposit Insurance Corporation, 12 Code of Federal Regulations, Part 332 (2001); the Office of Thrift Supervision, 12 Code of Federal Regulations, Part 573 (2001); the National Credit Union Administration, 12 Code of Federal Regulations, Part 716 (2001); the Federal Trade Commission, 16 Code of Federal Regulations, Part 313 (2001); or the Securities and Exchange Commission, 17 Code of Federal Regulations, Part 248 (2001), if the cash-dispensing machine operator is a financial institution as defined in those regulations. This section is not intended to permit the release of health care information except as permitted by Title 22, section 1711-C or Title 24-A, chapter 24.

Sec. E-4. 32 MRSA §11018 is enacted to read:

§11018. Privacy of consumer financial information

A collection agency or repossession company shall comply with the provisions of the federal Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. (1999) and the applicable implementing federal Privacy of Consumer Information regulations, as adopted by the Office of the

Comptroller of the Currency, 12 Code of Federal Regulations, Part 40 (2001); the Board of Governors of the Federal Reserve System, 12 Code of Federal Regulations, Part 216 (2001); the Federal Deposit Insurance Corporation, 12 Code of Federal Regulations, Part 332 (2001); the Office of Thrift Supervision, 12 Code of Federal Regulations, Part 573 (2001); the National Credit Union Administration, 12 Code of Federal Regulations, Part 716 (2001); the Federal Trade Commission, 16 Code of Federal Regulations, Part 313 (2001); or the Securities and Exchange Commission, 17 Code of Federal Regulations, Part 248 (2001), if the collection agency or repossession company is a financial institution as defined in those regulations. This section is not intended to permit the release of health care information except as permitted by Title 22, section 1711-C or Title 24-A, chapter 24.

Sec. E-5. 33 MRSA §528 is enacted to read:

§528. Privacy duties of settlement agents

A settlement agent shall comply with the provisions of the federal Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. (1999) and the applicable implementing federal Privacy of Consumer Information regulations, as adopted by the Office of the Comptroller of the Currency, 12 Code of Federal Regulations, Part 40 (2001); the Board of Governors of the Federal Reserve System, 12 Code of Federal Regulations, Part 216 (2001); the Federal Deposit Insurance Corporation, 12 Code of Federal Regulations, Part 332 (2001); the Office of Thrift Supervision, 12 Code of Federal Regulations, Part 573 (2001); the National Credit Union Administration, 12 Code of Federal Regulations, Part 716 (2001); the Federal Trade Commission, 16 Code of Federal Regulations, Part 313 (2001); or the Securities and Exchange Commission, 17 Code of Federal Regulations, Part 248 (2001), if the settlement agent is a financial institution as defined in those regulations. This section is not intended to permit the release of health care information except as permitted by Title 22, section 1711-C or Title 24-A, chapter 24.

PART F

Sec. F-1. Department of Professional and Financial Regulation report. By January 15, 2002, the Department of Professional and Financial Regulation shall report to the Joint Standing Committee on Banking and Insurance on the following issues related to the federal Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. (1999) and the applicable implementing federal regulations:

1. The legislative actions taken by the 50 states prior to January 1, 2002 or the status of any legislative actions in other states, including whether any states

have enacted laws or rules more protective of consumer privacy;

2. Decisions by the Federal Trade Commission on the enforcement of state privacy laws that differ from the federal law and regulations against federally chartered financial institutions or credit unions authorized to do business in this State; and

3. The extent to which complaints have been made by consumers related to the sharing of personal information and any enforcement actions taken by agencies within the Department of Professional and Financial Regulation.

See title page for effective date.

CHAPTER 263

H.P. 1158 - L.D. 1558

An Act to Amend the Licensing and Survey Requirements for Residential Care Facilities and Congregate Housing Services Programs

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

Sec. 1. 22 MRSA §7802, sub-§1, ¶E, as amended by PL 1995, c. 670, Pt. B, §6 and affected by Pt. D, §5, is repealed and the following enacted in its place:

E. A 2-year full license may be issued by the department for a residential care facility or a congregate housing service program as long as it is in substantial compliance with licensing rules and has no history of health or safety violations.

Sec. 2. 22 MRSA §7802, sub-§2, ¶D, as amended by PL 1983, c. 602, §2, is further amended to read:

~~D. Regardless of the term of the license or approval, the~~ The department shall monitor inspect for continued compliance with applicable laws and rules on at least an annual basis prior to the expiration of the license or approval.

Sec. 3. 22 MRSA §7802, sub-§2, ¶E is enacted to read:

E. Residential care facilities and congregate housing services programs for which a license has been issued must be periodically inspected for continued compliance with applicable laws and rules under the rules to be established by the department. Rules adopted pursuant to this sec-

tion are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 264

H.P. 1265 - L.D. 1716

An Act to Improve Child Support Services

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

Sec. 1. 19-A MRSA §2001, sub-§4, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is repealed and the following enacted in its place:

4. Extraordinary medical expenses. "Extraordinary medical expenses" means recurring, uninsured medical expenses in excess of \$250 per child or group of children per year that can reasonably be predicted by the court or hearing officer at the time of establishment or modification of a support order. Responsibility for nonrecurring or subsequently occurring uninsured medical expenses in excess of \$250 in the aggregate per child or group of children supported per year must be divided between the parties in proportion to their adjusted gross incomes. These expenses include, but are not limited to, insurance copayments and deductibles, reasonable and necessary costs for orthodontia, dental treatment, eye care, eyeglasses, prescriptions, asthma treatment, physical therapy, chronic health problems and professional counseling or psychiatric therapy for diagnosed mental disorders.

Sec. 2. 19-A MRSA §2001, sub-§5, ¶F, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is repealed.

Sec. 3. 19-A MRSA §2006, sub-§3, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

3. Total support obligation. The total support obligation is determined by adding the child care costs, health insurance premiums and extraordinary medical expenses to the basic support entitlement as follows.

A. When each child is under the age of 12 years, the sums actually being expended for child care costs must be added to the basic support entitlement to determine the total support obligation.

B. If a child is incurring extraordinary medical expenses, the future incidence of which is determinable because of the permanent, chronic or