

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

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

Effective June 1, 2001.

CHAPTER 344

H.P. 1212 - L.D. 1644

An Act to Amend and Improve Education Laws

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

Sec. 1. 5 MRSA §937, sub-§1, ¶F, as repealed and replaced by PL 1995, c. 465, Pt. A, §6, is amended to read:

F. Director, Planning and Management Information; and

Sec. 2. 5 MRSA §937, sub-§1, ¶G, as amended by PL 1995, c. 560, Pt. F, §2, is repealed.

Sec. 3. 20-A MRSA §203, sub-§1, ¶F, as amended by PL 1989, c. 414, §3, is further amended to read:

F. Director, Planning and Management Information; and

Sec. 4. 20-A MRSA §203, sub-§1, ¶G, as amended by PL 1995, c. 560, Pt. F, §9, is repealed.

Sec. 5. 20-A MRSA §5401, sub-§15, ¶A, as amended by PL 1985, c. 781, is further amended to read:

A. The commissioner may not approve, in one year, more than \$5,000,000 in expenditures for school bus purchases, excluding bus purchases made in accordance with paragraph C of this subsection. Annually, the Legislature shall review this limitation.

Sec. 6. 20-A MRSA §5401, sub-§15, ¶C, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

C. A school board may obtain a short-term loan or a lease-purchase to purchase acquire school buses if it is approved by the unit's legislative body. The term of a loan or a lease-purchase may not exceed 3 years, except in a community school district a loan during the district's first year of operation may not exceed 5 years. The commissioner shall establish a maximum amount for annual-term purchases in excess of the amount established in paragraph A. Beginning

in fiscal year 2003-04, these expenditures must be subsidized in accordance with section 15603, subsection 26-A.

Sec. 7. 20-A MRSA §6051, sub-§1, ¶E, as corrected by RR 1993, c. 1, §45, is amended to read:

E. A determination as to whether the school administrative unit has complied with applicable provisions of the School Finance Act of 1985 and the School Finance Act of 1995; and

Sec. 8. 20-A MRSA §6051, sub-§4, as repealed and replaced by PL 1985, c. 797, §36, is amended to read:

4. Initial report to commissioner. On or before December 1st, the school board shall provide the commissioner with:

~~A. A copy of the audit; and~~

~~B. Written assurance that the audit has been conducted in accordance with applicable state and federal law relating to financial and compliance audits.~~

C. Written determination of whether or not proper budgetary controls are in place;

D. A written determination of whether or not the annual financial report submitted to the department is correct, including submission of an audited reconciliation of the annual financial report prepared and certified by the auditor; and

E. A written determination as to whether the school administrative unit has complied with applicable provisions of the School Finance Act of 1985 and the School Finance Act of 1995.

Sec. 9. 20-A MRSA §6051, sub-§6 is enacted to read:

6. Report to commissioner. Within 9 months after the end of the audit period, the school board shall provide the commissioner with:

A. A copy of the audit report;

B. Accountability of all revenues and expenditures;

C. Written assurance that the audit has been conducted in accordance with applicable state and federal laws relating to financial and compliance audits; and

D. Any other information that the commissioner may require.

Sec. 10. 20-A MRSA §15603, sub-§26, ¶D, as enacted by PL 1993, c. 410, Pt. F, §15, is amended to read:

D. Nonsubsidizable costs are not considered in the calculation of the total allocation. "Nonsubsidizable costs" includes the following:

- (1) Community service costs;
- (2) Major capital costs;
- (3) Expenditures from all federal revenue sources, except for amounts received under the United States Code, Public Law 81-874;
- ~~(4) One half of salary and benefit costs for superintendents, assistant superintendents and associate superintendents;~~
- (5) Transportation costs not associated with transporting students from home to school and back home each day; and
- (6) Costs payable to the Maine State Retirement System under Title 5, section 17154, subsections 10 and 11.

See title page for effective date.

CHAPTER 345

H.P. 811 - L.D. 1066

An Act to Protect Children and Incapacitated or Dependent Adults

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

Sec. 1. 10 MRSA §8003-B, sub-§2-A, ¶D, as enacted by PL 1993, c. 552, §1, is amended to read:

D. The disclosure is necessary under Title 22, section ~~4011~~ 4011-A concerning reports of suspected child abuse or neglect; or

Sec. 2. 22 MRSA §3028, sub-§7, as amended by PL 1995, c. 272, §3, is further amended to read:

7. Written report. Upon completing an investigation, the medical examiner shall submit a written report of findings to the Chief Medical Examiner on forms provided for that purpose. The medical examiner shall retain one copy of the report.

If a medical examiner reports suspected abuse, neglect or exploitation to the Chief Medical Examiner, the Chief Medical Examiner, by reporting that information to the department on behalf of the medical examiner,

fulfills the medical examiner's mandatory reporting requirement under section 3477 or ~~4011~~ 4011-A.

Sec. 3. 22 MRSA §3477, sub-§1, as amended by PL 1997, c. 453, §4, is repealed and the following enacted in its place:

1. Report required. The following persons immediately shall report or cause a report to be made to the department when the person suspects that an adult has been abused, neglected or exploited and has reasonable cause to suspect that the adult is incapacitated or dependent:

A. While acting in a professional capacity:

- (1) An allopathic or osteopathic physician;
- (2) A medical intern;
- (3) A medical examiner;
- (4) A physician's assistant;
- (5) A dentist;
- (6) A chiropractor;
- (7) A podiatrist;
- (8) A registered or licensed practical nurse;
- (9) A certified nursing assistant;
- (10) A social worker;
- (11) A psychologist;
- (12) A pharmacist;
- (13) A physical therapist;
- (14) A speech therapist;
- (15) An occupational therapist;
- (16) A mental health professional;
- (17) A law enforcement official;
- (18) A coroner;
- (19) Emergency room personnel;
- (20) An ambulance attendant;
- (21) An emergency medical technician; or
- (22) Unlicensed assistive personnel; or

B. Any other person who has assumed full, intermittent or occasional responsibility for the care or custody of the adult, whether or not the person receives compensation.