

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

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SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

tion broker shall also notify, without unreasonable delay, consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined in 15 United States Code, Section 1681a(p).

5. Notification to state regulators. When notice of a breach of the security of the system is required under subsection 1, the information broker shall notify the appropriate state regulators within the Department of Professional and Financial Regulation, or if the information broker is not regulated by the department, the Attorney General.

§1349. Enforcement; penalties

1. Enforcement. The appropriate state regulators within the Department of Professional and Financial Regulation shall enforce this chapter for any information broker that is licensed or regulated by those regulators. The Attorney General shall enforce this chapter for all other information brokers.

2. Civil violation. An information broker that violates this chapter commits a civil violation and is subject to one or more of the following:

A. A fine of not more than \$500 per violation, up to a maximum of \$2,500 for each day the information broker is in violation of this chapter;

B. Equitable relief; or

C. Enjoinment from further violations of this chapter.

3. Cumulative effect. The rights and remedies available under this section are cumulative and do not affect or prevent rights and remedies available under federal or state law.

Sec. 2. Data security and security breach study; report. The Department of Professional and Financial Regulation, in conjunction with the Attorney General, other financial regulatory agencies, business representatives, other interested parties that store electronic consumer data and consumer representatives, shall conduct a study regarding data security and security breach requirements. The study must include, but is not limited to, current electronic data security plans used by businesses; the value, practicality and costs of imposing additional requirements, including notification requirements, on businesses; California law governing security breach and notification requirements; and the right to private cause of action for a person injured by a violation of security breach notification law. The Department of Professional and Financial Regulation shall report its findings, including any proposed legislation, to the Joint Standing Committee on Insurance and Financial Services, by February 1, 2006. Following receipt and review of the report required under this section and the report

required under section 3, the Joint Standing Committee on Insurance and Financial Services may report out a bill related to the reports to the Second Regular Session of the 122nd Legislature.

Sec. 3. Security of information maintained by State Government; report. No later than February 1, 2006, the Chief Information Officer within the Department of Administrative and Financial Services shall report to the Joint Standing Committee on Insurance and Financial Services regarding the State's current and planned-for policies, strategies and systems to protect the privacy and security of electronic personal information maintained by State Government.

Sec. 4. Effective date. That section of this Act that enacts the Maine Revised Statutes, Title 10, chapter 210-B takes effect January 31, 2006.

See title page for effective date, unless otherwise indicated.

CHAPTER 380

S.P. 624 - L.D. 1678

An Act To Replace the Interagency Task Force on Homelessness and Housing Opportunities with the Statewide Homeless Council

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

PART A

Sec. A-1. 30-A MRSA c. 202, sub-c. 5, as amended, is repealed.

Sec. A-2. 30-A MRSA c. 202, sub-c. 5-A is enacted to read:

SUBCHAPTER 5-A

STATEWIDE HOMELESS COUNCIL

§5046. Statewide Homeless Council created

The Statewide Homeless Council, established in accordance with Title 5, chapter 379, shall serve as an advisory committee with respect to the administration and implementation of this chapter to the state authority, the Governor and the Legislature.

§5047. Membership; appointment; terms of office; chair

1. Membership; chair. The council consists of 11 members appointed as follows:

A. Six members appointed by the Governor, 2 from each of 3 regional homeless councils, based on nominations provided by the 3 regional homeless councils;

B. The Director of the Maine State Housing Authority;

C. Three members appointed jointly by the President of the Senate and the Speaker of the House, one from each of 3 regional homeless councils, based on nominations provided by the 3 regional homeless councils; and

D. One member representing the Office of the Governor, who serves as the chair.

2. Term of office. Members of the council appointed jointly by the President of the Senate and the Speaker of the House serve 3-year terms and serve at the pleasure of the President of the Senate and the Speaker of the House. Members of the council appointed by the Governor serve 2-year terms and serve at the pleasure of the Governor.

A. Members serve until their successors are appointed and qualified.

B. The appointing authorities shall fill a vacancy for the balance of an unexpired term in the same manner as the appointment was originally filled, except as otherwise provided.

3. Staff. The state authority shall provide staff support to the council.

§5048. Duties

The council shall advise the state authority with respect to the implementation of this chapter and the development of affordable housing. The council shall:

1. Provide leadership. Provide leadership in efforts to end homelessness and provide support to the regional homeless councils by ensuring access to senior-level government officials and the Office the Governor;

2. Educate. Develop and coordinate an education campaign regarding homelessness;

3. Serve as coordinator of information. Serve as a coordinator of information and communication among state agencies and among the state, municipal and private sectors with respect to this chapter. In carrying out this duty, the council shall:

A. Review proposed legislative changes, system changes and resource recommendations from the regional homeless councils and compile the regional reports into a single statewide report; and

B. Serve as a liaison with the federal Inter-agency Council on Homeless and recommend any necessary changes;

4. Assess statewide needs. With assistance from regional homeless councils, develop estimates of statewide resource needs;

5. Identify potential resources. Identify new funding opportunities through private and public sources and assist in disseminating this information to regional homeless councils along with available grant opportunities;

6. Assistance to homeless. In cooperation with the state authority, identify the resources available to and ways to increase access to services to the homeless and persons with special needs, identify the gaps in delivery services to this population and make recommendations concerning the policies and programs serving this population; and

7. Review, monitor and implement plans. On an annual basis, review and comment on plans submitted pursuant to Title 34-B, section 1221, and propose amendments and updates to and implement a plan to end homelessness.

Sec. A-3. Transition; completion of terms. Notwithstanding the Maine Revised Statutes, Title 30-A, section 5047, subsection 2, members of the Interagency Task Force on Homelessness and Housing Opportunities on the effective date of this Act continue to serve out the remainder of their terms on the Statewide Homeless Council as representatives of the regional homeless councils of which they are members.

PART B

Sec. B-1. 5 MRSA §12004-L, sub-§6, as enacted by PL 1989, c. 878, Pt. A, §19, is repealed.

Sec. B-2. 5 MRSA §12004-L, sub-§13 is enacted to read:

<u>13. State-wide Homeless Council</u>	<u>Not Authorized</u>	<u>30-A MRSA §5046</u>
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Sec. B-3. 30-A MRSA §4722, sub-§1, ¶U, as amended by PL 1993, c. 359, Pt. B, §2, is further amended to read:

U. Consult with the Interagency Task Force on Homelessness and Housing Opportunities, as defined in chapter 202, section 5002 Statewide Homeless Council, established pursuant to Title 30-A, section 5046, with respect to the implementation of housing programs to make the best

use of resources and make the greatest impact on the affordable housing crisis;

Sec. B-4. 30-A MRSA §5002, sub-§4-A is enacted to read:

4-A. Council. "Council" means the Statewide Homeless Council.

Sec. B-5. 30-A MRSA §5002, sub-§9, as enacted by PL 1989, c. 601, Pt. B, §4, is repealed.

Sec. B-6. 30-A MRSA §5023, sub-§10, as amended by PL 1991, c. 610, §16, is further amended to read:

10. Consult with council. Consult with the ~~interagency task force~~ council with respect to the implementation of this subchapter and the projects to be funded under this subchapter.

Sec. B-7. 30-A MRSA §5031, sub-§1, as amended by PL 1991, c. 610, §17, is further amended to read:

1. Consultation. The state authority shall consult with the ~~interagency task force~~ council with respect to the implementation of this subchapter.

Sec. B-8. 30-A MRSA §5051, as amended by PL 1991, c. 610, §21, is further amended to read:

§5051. Administration and implementation

The state authority, in consultation with the ~~interagency task force~~ council, shall administer this subchapter to address residential deteriorating areas and to restore these areas to decent, sanitary and safe residential neighborhoods.

Sec. B-9. 30-A MRSA §5052, first ¶, as amended by PL 1991, c. 610, §21, is further amended to read:

The state authority, in consultation with the ~~interagency task force~~ council, may establish 4 demonstration housing opportunity zones, each comprised of a different municipality or portion of a municipality. These demonstration zones serve as a means of determining the effectiveness of zones as a tool stimulating residential revitalization in deteriorating neighborhoods.

Sec. B-10. 30-A MRSA §5053, first ¶, as amended by PL 1991, c. 610, §21, is further amended to read:

The state authority, in consultation with the ~~interagency task force~~ council, may:

Sec. B-11. 30-A MRSA §5054, sub-§1, as enacted by PL 1989, c. 601, Pt. B, §4, is amended to read:

1. Work with council. Work with the ~~interagency task force~~ council and the Commissioner of Public Safety to coordinate the resources of state agencies to be applied to the zones, including, but not limited to:

- A. Job training programs;
- B. Educational and vocational training;
- C. Child care assistance; and
- D. Crime prevention programs;

Sec. B-12. 30-A MRSA §5054, sub-§5, as amended by PL 1991, c. 610, §23, is further amended to read:

5. Analyze problems and causes of problems that create residential blight. In implementing this subsection, the ~~interagency task force~~ council and the state authority shall monitor the 4 demonstration zones and develop findings and recommendations concerning neighborhood deterioration and revitalization; and

Sec. B-13. 30-A MRSA §5055, first ¶, as amended by PL 1991, c. 871, §6, is further amended to read:

The state authority and the ~~interagency task force~~ council shall develop models for the revitalization of deteriorating residential areas in urban areas based on the results of the study and monitoring of the demonstration zones as provided in section 5052. The state authority and the ~~interagency task force~~ council shall review and evaluate the plans and programs applied to the demonstration zones and report their preliminary findings and recommendations to the Governor and the joint standing committee of the Legislature having jurisdiction over housing matters by December 30, 1992 and December 30, 1993, with a final report to be submitted by December 30, 1994. This final report must include:

Sec. B-14. 34-B MRSA §1221, first ¶, as enacted by PL 1997, c. 643, Pt. XX, §4, is amended to read:

The regional housing coordinator for each region shall convene a working group annually to develop a plan that states how mental health or substance abuse services needed by individuals using homeless shelters will be provided. Each working group shall submit a plan annually to the local quality improvement council established pursuant to section 3607. The local quality improvement council shall review the plan and submit it, with any suggested changes, to the ~~Interagency~~

Task Force on Homelessness and Housing Opportunities Statewide Homeless Council, established pursuant to Title 30-A, section ~~5041~~ 5046.

See title page for effective date.

CHAPTER 381

H.P. 342 - L.D. 467

An Act To Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws Concerning Personal Contact Information

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

Sec. 1. 1 MRSA §402, sub-§3, ¶M, as amended by PL 2003, c. 614, §2, is further amended to read:

M. Records or information describing the architecture, design, access authentication, encryption or security of information technology infrastructure and systems. Records or information covered by this paragraph may be disclosed to the Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure; ~~and~~

Sec. 2. 1 MRSA §402, sub-§3, ¶N, as enacted by PL 2003, c. 614, §3, is amended to read:

N. Social security numbers in the possession of the Department of Inland Fisheries and Wildlife; ~~and~~

Sec. 3. 1 MRSA §402, sub-§3, ¶O is enacted to read:

O. Personal contact information concerning public employees, except when that information is public pursuant to other law. For the purposes of this paragraph:

(1) "Personal contact information" means home address, home telephone number, home facsimile number, home e-mail address and personal cellular telephone number and personal pager number; and

(2) "Public employee" means an employee of a governmental entity, as defined in Title 14, section 8102, subsection 2, except that

"public employee" does not include elected officials.

See title page for effective date.

CHAPTER 382

H.P. 167 - L.D. 216

An Act To Make Revisions to the Laws Governing Agriculture

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

PART A

Sec. A-1. 7 MRSA §301, as enacted by PL 1983, c. 532, §2, is repealed.

Sec. A-2. 7 MRSA §331, as enacted by PL 1987, c. 435, §3, is repealed.

Sec. A-3. 7 MRSA §431, as enacted by PL 1983, c. 563, §2, is repealed.

Sec. A-4. 7 MRSA §603, as enacted by PL 1975, c. 382, §3, is repealed.

Sec. A-5. 7 MRSA §971, as enacted by PL 1981, c. 513, §7, is repealed.

Sec. A-6. 7 MRSA §1031, as amended by PL 1987, c. 99, §1, is repealed.

PART B

Sec. B-1. 7 MRSA §17, first ¶, as enacted by PL 1973, c. 541, is amended to read:

In addition to duties expressly authorized in this Title, the commissioner may, upon complaint or for other reasonable cause, investigate any farm operation, method or practice with respect to animal waste ~~within the watersheds of bodies of water as designated in the Department of Environmental Protection's report known as the "State Continuing Planning Process" pursuant to Title III, section 303(e) or the Federal Water Pollution Control Act, Amendments of 1972~~ in order to determine whether such operation, method or practice may have an adverse effect upon waters of the State as defined in Title 38, section 361-A, subsection 7.

Sec. B-2. 7 MRSA §4204, sub-§1-A, ¶D, as enacted by PL 2003, c. 452, Pt. B, §25 and affected by Pt. X, §2, is repealed.