

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**SECOND SPECIAL SESSION**

**July 29, 2005**

**SECOND REGULAR SESSION**

**January 4, 2006 to May 24, 2006**

**THE GENERAL EFFECTIVE DATE FOR**

**SECOND SPECIAL SESSION**

**NON-EMERGENCY LAWS IS**

**OCTOBER 28, 2005**

**THE GENERAL EFFECTIVE DATE FOR**

**SECOND REGULAR SESSION**

**NON-EMERGENCY LAWS IS**

**AUGUST 23, 2006**

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

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**Penmor Lithographers**

**Lewiston, Maine**

**2006**

the funeral director's direct costs, less any and all contributions from any other source.

See title page for effective date.

**CHAPTER 484**

**S.P. 700 - L.D. 1783**

**An Act To Amend the Maine Consumer Credit Code as It Relates to Finance Charges for Loans on Open-end Credit**

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

**Sec. 1. 9-A MRSA §2-402, sub-§4**, as amended by PL 1995, c. 137, §4, is further amended to read:

4. With respect to loans made pursuant to a lender credit card, except for cash advances, and except when there is an outstanding balance from the prior billing cycle at the beginning of a billing cycle, no finance charge may be imposed on purchases or leases of goods or services purchased during the billing cycle, ~~provided that if they are paid for not later than 25 days after the closing date of the billing cycle in which the purchase or lease occurred.~~ This subsection does not apply to open-end credit plans secured by a consumer's principal dwelling or by any 2nd or vacation home of the consumer.

**Sec. 2. 9-A MRSA §2-402, sub-§5**, as enacted by PL 1993, c. 618, §2, is amended to read:

5. With respect to loans made pursuant to a lender credit card, a creditor may not impose a finance charge if it is in excess of that set forth in the agreement between the consumer and the creditor. This subsection does not apply to open-end credit plans secured by a consumer's principal dwelling or by a 2nd or vacation home of the consumer.

See title page for effective date.

**CHAPTER 485**

**H.P. 1295 - L.D. 1855**

**An Act To Establish the Securities Investor Education and Training Fund**

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

**Sec. 1. 32 MRSA §16601, sub-§7** is enacted to read:

**7. Securities Investor Education and Training Fund.** The Securities Investor Education and Training Fund, referred to in this subsection as "the fund," is established to provide funds for the purposes specified in subsection 4. The fund consists of all grants or donations accepted by the administrator pursuant to subsection 4 and all payments received by the administrator for investor education and training that have been designated in a consent order or consent agreement resulting from a multistate investigation or a joint investigation with the federal Securities and Exchange Commission or a court order or court judgment to be credited to the fund. Any balance in the fund does not lapse but must be carried forward to be used for the same purposes.

**Sec. 2. Appropriations and allocations.**

The following appropriations and allocations are made.

**PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**

**Securities Investor Education and Training Fund**

Initiative: Allocates funds for the development and implementation of investor education initiatives to inform the public about investing in securities.

**OTHER SPECIAL REVENUE FUNDS**

	2005-06	2006-07
All Other	\$0	\$20,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$20,000

See title page for effective date.

**CHAPTER 486**

**H.P. 1296 - L.D. 1856**

**An Act To Conform the Maine Tax Laws for 2005 to the United States Internal Revenue Code**

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

Whereas, the processing of the year 2005 income tax returns would be delayed by waiting for the 90-day period to expire; and

Whereas, legislative action is immediately necessary to ensure continued and efficient administration of the Maine income tax laws and certain other state taxes; 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. 36 MRSA §111, sub-§1-A**, as amended by PL 2005, c. 12, Pt. P, §1 and affected by §10, is further amended to read:

**1-A. Code.** "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of ~~January 7, 2005~~ December 31, 2005.

**Sec. 2. Application.** This Act applies to tax years beginning on or after January 1, 2005 and to any prior years as specifically provided by the United States Internal Revenue Code.

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

Effective March 13, 2006.

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**CHAPTER 487**

**H.P. 1301 - L.D. 1861**

**An Act To Improve the Ability of the Department of Corrections To Share Information Related to Clients in Order To Improve Treatment and Rehabilitative Services**

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

**Whereas**, immediately authorizing the Department of Corrections to share information regarding juvenile clients with the Department of Health and Human Services will facilitate timely and comprehensive treatment and rehabilitation plans for clients; and

**Whereas**, immediately authorizing the Department of Corrections to share client information with other state agencies will allow for cross-referencing and determination of any overlap in services and proper identification of populations served and will also allow for agency savings and expedited treatment; 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. 15 MRSA §3301, sub-§6-A**, as amended by PL 1999, c. 260, Pt. A, §8, is further amended to read:

**6-A. Records confidential.** Except as otherwise provided in this Title, information contained in records pertaining to a juvenile against whom a juvenile petition has not been filed is confidential unless the juvenile, and the juvenile's parents, guardian or legal custodian if the juvenile is not emancipated, has given informed written consent to the disclosure of the records.

This subsection does not preclude the release of the identity of a juvenile on conditional release pursuant to section 3203-A or on informal adjustment pursuant to this section to a criminal justice agency for the administration of juvenile criminal justice or to the Department of Health and Human Services if necessary to carry out the statutory functions of that agency.

**Sec. 2. 34-A MRSA §1216, sub-§1, ¶E**, as enacted by PL 2003, c. 205, §10, is amended to read:

E. To persons engaged in research if:

- (1) The research plan is first submitted to and approved by the commissioner;
- (2) The disclosure is approved by the commissioner; and
- (3) Neither original records nor identifying data are removed from the facility or office that prepared the records.

The commissioner and the person doing the research shall preserve the anonymity of the person receiving services from the department and may not disseminate data that refer to that person by name or number or in any other way that might lead to the person's identification; ~~or~~

**Sec. 3. 34-A MRSA §1216, sub-§1, ¶F**, as enacted by PL 2003, c. 205, §10, is amended to read:

F. To persons who directly supervise or report on the health, behavior or progress of a juvenile, to the superintendent of a juvenile's school and the superintendent's designees and to agencies that are or might become responsible for the health or welfare of a juvenile if the information is relevant to and disseminated for the purpose of creating or maintaining an individualized plan