

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2008 to June 13, 2009**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

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

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**Augusta, Maine**  
**2009**

A. "Large-scale extraction of water" means the extraction of water that is required to be permitted, certified, reported or approved pursuant to:

- (1) The in-stream flow provisions of Title 38, section 470-H;
- (2) The requirements for significant ground-water wells under Title 38, section 480-B;
- (3) The site location of development law requirements for a development of state or regional significance that may substantially affect the environment as provided in Title 38, section 482, subsection 2; or
- (4) The water withdrawal reporting program under Title 38, chapter 3, subchapter 1, article 4-B.

B. "Large-scale transportation of water" means the transportation of water for commercial purposes by pipeline or other conduit or by tank truck or in a container, greater in size than 10 gallons, beyond the boundaries of the municipality or township in which the water is naturally located or of any bordering municipality or township.

**2. Public meeting required.** A consumer-owned water utility may not enter into a contract or agreement subject to this section until at least 30 days after holding a public meeting on the proposed contract or agreement in accordance with this subsection. The public meeting must include:

- A. A presentation by the consumer-owned water utility of the terms and conditions of the proposed contract or agreement and the criteria to be used by the utility to decide whether to enter into the contract or agreement; and
- B. An opportunity for public comment on the proposed contract or agreement.

**3. Public notice required.** The consumer-owned water utility shall, at least 30 days prior to the public meeting required under subsection 2, give written notice of the public meeting and the proposed contract or agreement in accordance with this subsection. The notice must include the date, time, place and purpose of the meeting.

- A. The consumer-owned water utility shall give one written notice to each of its customers.
- B. The consumer-owned water utility shall give written notice to the commission, the Office of the Public Advocate and the municipality or municipalities where the source of water is located.
- C. The consumer-owned water utility shall publish one notice in a newspaper of general circulation in the area served by the consumer-owned water utility.

**4. Copy available for inspection.** Prior to the public meeting required under subsection 2, the consumer-owned water utility shall make available for public inspection a copy of the proposed contract or agreement.

**5. Exceptions.** This section does not apply to a contract or agreement between a consumer-owned water utility and another entity that involves the large-scale extraction of water and the large-scale transportation of water when:

- A. The entity entering into a contract or agreement with the consumer-owned water utility is:
  - (1) An existing customer of the consumer-owned water utility; or
  - (2) A water utility; or

B. The large-scale transportation of water meets the exceptions provided in Title 22, section 2660-A, subsection 2, paragraph B, C or D.

**6. Rulemaking.** The commission may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

## CHAPTER 38

### H.P. 141 - L.D. 162

#### An Act To Clarify Child Abuse and Neglect Information Disclosure

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

**Sec. 1. 22 MRSA §4008, sub-§3, ¶A-1,** as enacted by PL 2005, c. 300, §9, is amended to read:

A-1. The court-appointed guardian ad litem, ~~visitor~~ or attorney of a child who is the subject of a court proceeding involving parental rights and responsibilities, grandparent visitation, custody, guardianship or involuntary commitment. The access of the guardian ad litem, ~~visitor~~ or attorney to the records or information under this paragraph is limited to reviewing the records in the offices of the department. Any other use of the information or records during the proceeding in which the guardian ad litem, ~~visitor~~ or attorney is appointed is governed by paragraph B;

**Sec. 2. 22 MRSA §4008-A, sub-§1,** as enacted by PL 1997, c. 328, §1, is amended to read:

**1. Disclosure permitted.** Notwithstanding any other provision of law, the commissioner, with the advice of the Attorney General, may disclose informa-

tion as set forth in this section regarding the abuse or neglect of a child and the investigation of and any services related to the abuse and neglect if the commissioner determines that such disclosure is not contrary to the best interests of the child, the child's siblings or other children in the household and any one of the following factors is present:

A. The alleged perpetrator of the abuse or neglect has been charged with committing a crime related to the allegation of abuse or neglect maintained by the department;

B. A judge, a law enforcement agency official, a district attorney or another state or local investigative agency or official has publicly disclosed, as required by law in the performance of official duties, the provision of child welfare services or the investigation by child welfare services of the abuse or neglect of the child; or

C. An individual who is the parent, custodian or guardian of the victim or a child victim over 14 years of age has made a prior knowing, voluntary, public disclosure; or

~~D. The child named in the report has died.~~

**Sec. 3. 22 MRSA §4008-A, sub-§1-A** is enacted to read:

**1-A. Disclosure required.** The commissioner shall make public disclosure of the findings or information pursuant to this section in situations where child abuse or neglect results in a child fatality or near fatality, with the exception of circumstances, as determined with the advice of the Attorney General or appropriate district attorney, in which disclosure of child protective information would jeopardize a criminal investigation or proceeding.

See title page for effective date.

## CHAPTER 39

### H.P. 501 - L.D. 718

#### An Act Concerning Cremated Remains

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

**Sec. 1. 32 MRSA §1405-A**, as enacted by PL 2001, c. 611, §1, is amended to read:

#### **§1405-A. Disposition of cremated remains**

A funeral director or a practitioner of funeral services who receives ~~cremains~~ cremated remains or has received ~~cremains~~ cremated remains prior to the effective date of this section may dispose of those ~~cremains~~ cremated remains in accordance with Title 13, section

1032, providing the following conditions have been met:

**1. Cremated remains not claimed for one year.** The ~~cremains~~ cremated remains have not been claimed after a time period of at least ~~4 years~~ one year from the time of cremation; and

**2. Notice.** The funeral director or practitioner of funeral services has sent notice by certified mail, return receipt requested, to the last known address of the person who authorized the cremation at least 60 days prior to disposal.

See title page for effective date.

## CHAPTER 40

### S.P. 325 - L.D. 856

#### An Act To Ensure the Availability of Supplemental Educational Loans

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

**Whereas**, unprecedented turbulence in the capital markets has made it necessary to replace existing auction rate bond financing for supplemental or alternative student loans with financing supported by a capital reserve fund; and

**Whereas**, if financing supported by a capital reserve fund cannot be made available, Maine students and families may be adversely affected by increased costs of education borrowing or limited availability of supplemental loans, which may affect the number of Maine students pursuing a higher education because they cannot secure the necessary financing; 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. 20-A MRSA §11424, sub-§1**, as enacted by PL 1987, c. 807, §3, is amended to read:

**1. Capital reserve fund.** The authority may create and establish one or more capital reserve funds and may pay into any such capital reserve fund any money appropriated and made available by the State for the purposes of any such fund, any proceeds of the sale by the authority of bonds to the extent determined by the authority and any other money available to the author-