

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

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

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-