

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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.

Augusta, Maine
2009

ity. The authority may not create or establish any capital reserve fund under this section after June 30, 2011.

Sec. 2. 20-A MRSA §11424, sub-§2, as enacted by PL 1987, c. 807, §3, is amended to read:

2. Application. Money held in any capital reserve fund, except as provided in this section, shall be used solely with respect to bonds, repayment of which is secured by any such fund and solely for the payment of principal of bonds, the purchase or redemption of those bonds, including any fees or premiums and the payment of interest on those bonds. In addition, if the authority obtains a letter of credit, insurance contract, surety bond or similar financial undertaking to establish and fund a capital reserve fund under this section, money in that capital reserve fund may be used to pay, as and when due, all reimbursement obligations of the authority established in connection with that letter of credit, insurance contract, surety bond or similar financial undertaking, including, but not limited to, all fees, expenses, indemnities and commissions. Money in excess of the reserve requirement set forth in subsection 3 may be transferred to other funds and accounts of the authority.

Sec. 3. 20-A MRSA §11424, sub-§6, as enacted by PL 1987, c. 807, §3, is amended to read:

6. Bonds outstanding. The authority ~~shall~~ may not have at any one time outstanding bonds to which subsection 5 is stated in the trust agreement or other document to apply in principal amount exceeding ~~\$50,000,000~~ \$300,000,000. The amount of bonds issued to refund bonds previously issued ~~shall~~ may not be taken into account in determining the principal amount of the bonds outstanding, ~~provided that as long as~~ the proceeds of the refunding bonds are applied as promptly as possible to the refunding of the previously issued bonds. In computing the total amount of bonds of the authority ~~which that~~ may at any time be outstanding for any purpose, the amount of the outstanding bonds that have been issued as capital appreciation bonds or as similar instruments ~~shall~~ must be valued as of any date of calculation at their current accreted value rather than their face value.

Sec. 4. Report of bond and loan activity. The Maine Educational Loan Authority shall submit a report to the Joint Standing Committee on Education and Cultural Affairs no later than April 2, 2010 summarizing the authority's bond and loan activity from the effective date of this Act through March 15, 2010. The report must include an account of tax exempt bonds issued during this period with amounts and rates for each issue. The report must include an account of bonds issued prior to the effective date of this Act that have been refinanced, the change in interest rates for these bonds and the bond cap available as of March 15, 2010.

The Maine Educational Loan Authority shall also report the rates on alternative loans originating after the effective date of this Act and changes in rates for loans outstanding on the effective date of this Act. The report must also include an account of any fees in excess of \$50,000 paid to entities outside the authority.

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

Effective April 17, 2009.

CHAPTER 41

H.P. 315 - L.D. 427

An Act To Require School Bus Drivers and School Bus Attendants To Report Suspected Child Abuse

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

Sec. 1. 22 MRSA §4011-A, sub-§1, ¶A, as amended by PL 2007, c. 577, §6, is further amended to read:

A. When acting in a professional capacity:

- (1) An allopathic or osteopathic physician, resident or intern;
- (2) An emergency medical services person;
- (3) A medical examiner;
- (4) A physician's assistant;
- (5) A dentist;
- (6) A dental hygienist;
- (7) A dental assistant;
- (8) A chiropractor;
- (9) A podiatrist;
- (10) A registered or licensed practical nurse;
- (11) A teacher;
- (12) A guidance counselor;
- (13) A school official;
- (14) A children's summer camp administrator or counselor;
- (15) A social worker;
- (16) A court-appointed special advocate or guardian ad litem for the child;
- (17) A homemaker;
- (18) A home health aide;

- (19) A medical or social service worker;
- (20) A psychologist;
- (21) Child care personnel;
- (22) A mental health professional;
- (23) A law enforcement official;
- (24) A state or municipal fire inspector;
- (25) A municipal code enforcement official;
- (26) A commercial film and photographic print processor;
- (27) A clergy member acquiring the information as a result of clerical professional work except for information received during confidential communications;
- (28) A chair of a professional licensing board that has jurisdiction over mandated reporters;
- (29) A humane agent employed by the Department of Agriculture, Food and Rural Resources;
- (30) A sexual assault counselor; ~~and~~
- (31) A family or domestic violence victim advocate; and
- (32) A school bus driver or school bus attendant;

See title page for effective date.

CHAPTER 42

H.P. 324 - L.D. 436

An Act To Include Trucks in the Definition of "Low-speed Vehicle"

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

Sec. 1. 29-A MRSA §101, sub-§32-A, as affected by PL 2003, c. 614, §9 and repealed and replaced by c. 688, Pt. B, §8 and affected by §9, is amended to read:

32-A. Low-speed vehicle. "Low-speed vehicle" means a 4-wheeled ~~automobile~~ motor vehicle that is able to attain a speed of at least 20 miles per hour but not more than 25 miles per hour and ~~does not exceed 1,800~~ is less than 3,000 pounds in unloaded weight. "Low-speed vehicle" does not include an ATV as defined in Title 12, section 13001. A low-speed vehicle must be originally manufactured and maintained in accordance with the Federal Motor Vehicle Safety

Standards as a low-speed vehicle pursuant to 49 Code of Federal Regulations, Section 571.500, as amended.

See title page for effective date.

CHAPTER 43

S.P. 16 - L.D. 7

An Act To Amend the Instruction Permit Process

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

Sec. 1. 29-A MRSA §1304, sub-§1, ¶E, as amended by PL 2005, c. 577, §18, is further amended to read:

E. Unless the permittee is operating a motorcycle or moped, the permit requires the permittee to be accompanied by a licensed operator who:

- (1) Has held a valid license for ~~the immediately preceding~~ at least 2 consecutive years;
- (2) Is at least 20 years of age;
- (3) Is occupying a seat beside the driver; and
- (4) Is licensed to operate the class vehicle operated by the permittee.

The accompanying operator must adhere to all restrictions applied to the license when functioning as the permittee's accompanying operator. ~~A person who meets the conditions of subparagraphs (2), (3) and (4) whose license was canceled or suspended for physical, mental or emotional reasons within the immediately preceding 2 consecutive years may act as an accompanying operator pursuant to this paragraph with the approval of the Secretary of State.~~

See title page for effective date.

CHAPTER 44

H.P. 135 - L.D. 156

An Act To Protect Consumers from the Unlicensed Practice of a Trade or Profession

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

Sec. 1. 10 MRSA §8003-C, sub-§4, as enacted by PL 1999, c. 687, Pt. C, §12, is amended to read:

4. Unlicensed practice; civil penalties. Any person who practices or represents to the public that the person is authorized to practice a profession or