

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.

Augusta, Maine
2009

tion in an education record that is not directory information may be released to other agencies within State Government, including postsecondary institutions, only under a signed memorandum of understanding requiring compliance with FERPA.

3. Notification and consent. If the commissioner requires a school administrative unit to collect and report individual social security numbers pursuant to section 15689-B, subsection 7, the school administrative unit must notify parents in the annual notice required under FERPA that the data is being collected and used for longitudinal data purposes and must request the parent to provide written consent to use the child's social security number for the collection of longitudinal data. The parental notification must include an explanation of the parent's right that the child's social security number is not required as a condition of enrollment and that the child's social security number may not be used for longitudinal data purposes unless the parent provides prior written consent. When a student attains 18 years of age, the written consent must be obtained from the student, and the rights accorded to the parent before the student attained 18 years of age are then accorded to the student.

Sec. 2. 20-A MRSA §15689-B, sub-§7, as amended by PL 2007, c. 539, Pt. C, §13, is further amended to read:

7. Required data; subsidy payments withheld. A school administrative unit shall provide the commissioner with information that the commissioner requests to carry out the purposes of this chapter, according to time schedules that the commissioner establishes. For the purposes of the Maine Statewide Longitudinal Data System established pursuant to section 6005, the commissioner may require a school administrative unit to collect and report individual student social security numbers. The commissioner may withhold monthly subsidy payments from a school administrative unit when information is not filed in the specified format and with specific content and within the specified time schedules. If the school administrative unit files the information in the specified format, the ~~Department of Education~~ department shall include the payment of the withheld subsidy in the next regularly scheduled monthly subsidy payment.

Sec. 3. Administrative letter. The Commissioner of Education shall send an administrative letter to superintendents, principals and school counselors regarding the establishment of the Maine Statewide Longitudinal Data System pursuant to the Maine Revised Statutes, Title 20-A, section 6005. The letter must provide school officials with information regarding the requirements of this Act, including suggested language to be included in the annual notice to parents required under the Family Educational Rights and Privacy Act of 1974. The suggested language for parental notification must include an explanation of a par-

ent's right that the child's social security number is not required as a condition of enrollment and that the child's social security number may not be used for the purposes of the Maine Statewide Longitudinal Data System unless the parent provides prior written consent.

See title page for effective date.

CHAPTER 449

H.P. 447 - L.D. 633

An Act To Amend the Laws Pertaining to Refusing To Submit to Arrest or Detention

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

Sec. 1. 17-A MRSA §751-A, as amended by PL 2001, c. 128, §1, is repealed.

Sec. 2. 17-A MRSA §751-B is enacted to read:

§751-B. Refusing to submit to arrest or detention

1. A person is guilty of refusing to submit to arrest or detention if, with the intent to hinder, delay or prevent a law enforcement officer from effecting the arrest or detention of that person, the person:

A. Refuses to stop on request or signal of a law enforcement officer. Violation of this paragraph is a Class E crime;

B. Uses physical force against the law enforcement officer. Violation of this paragraph is a Class D crime; or

C. Creates a substantial risk of bodily injury to the law enforcement officer. Violation of this paragraph is a Class D crime.

2. It is a defense to prosecution under this section that the person reasonably believed that the person attempting to effect the arrest or detention was not a law enforcement officer. It is a defense to prosecution under subsection 1, paragraph A that the law enforcement officer acted unlawfully in attempting to effect the arrest or detention.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS - STATE BOARD OF

State Board of Corrections Investment Fund Z087

Initiative: Appropriates funds for the incremental costs associated with one projected incarceration in a county jail.

GENERAL FUND

2009-10

2010-11

All Other	\$2,959	\$2,959
GENERAL FUND TOTAL	\$2,959	\$2,959
CORRECTIONS - STATE BOARD OF		
DEPARTMENT TOTALS	2009-10	2010-11
GENERAL FUND	\$2,959	\$2,959
DEPARTMENT TOTAL - ALL FUNDS	\$2,959	\$2,959

JUDICIAL DEPARTMENT**Courts - Supreme, Superior and District 0063**

Initiative: Provides funds for court-appointed counsel.

GENERAL FUND	2009-10	2010-11
All Other	\$350	\$350
GENERAL FUND TOTAL	\$350	\$350
JUDICIAL DEPARTMENT		
DEPARTMENT TOTALS	2009-10	2010-11
GENERAL FUND	\$350	\$350
DEPARTMENT TOTAL - ALL FUNDS	\$350	\$350
SECTION TOTALS		
GENERAL FUND	\$3,309	\$3,309
SECTION TOTAL - ALL FUNDS	\$3,309	\$3,309

See title page for effective date.

CHAPTER 450
H.P. 981 - L.D. 1402

**An Act To Enact the Uniform
Prudent Management of
Institutional Funds Act**

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

Sec. 1. 13 MRSA c. 97, as amended, is repealed.

Sec. 2. 13 MRSA c. 99 is enacted to read:

CHAPTER 99

**UNIFORM PRUDENT MANAGEMENT OF
INSTITUTIONAL FUNDS ACT**

§5101. Short title

This chapter may be known and cited as "the Uniform Prudent Management of Institutional Funds Act."

§5102. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Charitable purpose. "Charitable purpose" means the relief of poverty, the advancement of education or religion, the promotion of health, the promotion of a governmental purpose or any other purpose the achievement of which is beneficial to the community.

2. Endowment fund. "Endowment fund" means an institutional fund or part thereof that, under the terms of a gift instrument, is not wholly expendable by the institution on a current basis. "Endowment fund" does not include assets that an institution designates as an endowment fund for its own use.

3. Gift instrument. "Gift instrument" means a record or records, including an institutional solicitation, under which property is granted to, transferred to or held by an institution as an institutional fund.

4. Historic dollar value. "Historic dollar value" means the aggregate value in dollars of:

A. Each endowment fund at the time it became an endowment fund;

B. Each subsequent donation to the fund at the time the donation is made; and

C. Each accumulation made pursuant to a direction in the applicable gift instrument at the time the accumulation is added to the fund.

An institution's determination of historic dollar value made in good faith is conclusive.

5. Institution. "Institution" means:

A. A person, other than an individual, organized and operated exclusively for charitable purposes;

B. A government or governmental subdivision, agency or instrumentality, to the extent that it holds funds exclusively for a charitable purpose; or

C. A trust that had both charitable and noncharitable interests, after all noncharitable interests have terminated.