

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

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Augusta, Maine
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corporation, notwithstanding Title 13, chapter 81. "Local development corporation" also means any non-profit organization that is incorporated under Title 13, chapter 81 or that is incorporated under Title 13-B or otherwise chartered by the State, and is designed to foster, encourage and assist the settlement or resettlement of industrial, manufacturing, fishing, agricultural, recreational and other business enterprises within the State that applies for financial assistance for a project under this article, as long as that application is formally endorsed by a vote of the governing body of the municipality in which the project is to be located. "Local development corporation" also means a development authority under subchapter 3 that is acting under the authority of a memorandum of understanding with a municipality to carry out the authorized activities of a local development corporation under this subsection.

See title page for effective date.

CHAPTER 149

H.P. 803 - L.D. 1068

An Act To Protect the Privacy of Maine Residents under the Driver's License Laws

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

Sec. 1. 1 MRSA §402, sub-§3, ¶P, as corrected by RR 2009, c. 1, §2, is amended to read:

P. Geographic information regarding recreational trails that are located on private land that are authorized voluntarily as such by the landowner with no public deed or guaranteed right of public access, unless the landowner authorizes the release of the information; ~~and~~

Sec. 2. 1 MRSA §402, sub-§3, ¶Q, as reallocated by RR 2009, c. 1, §3, is amended to read:

Q. Security plans, staffing plans, security procedures, architectural drawings or risk assessments prepared for emergency events that are prepared for or by or kept in the custody of the Department of Corrections or a county jail if there is a reasonable possibility that public release or inspection of the records would endanger the life or physical safety of any individual or disclose security plans and procedures not generally known by the general public. Information contained in records covered by this paragraph may be disclosed to state and county officials if necessary to carry out the duties of the officials, the Department of Corrections or members of the State Board of Corrections under conditions that protect the information from further disclosure; ~~and~~

Sec. 3. 1 MRSA §402, sub-§3, ¶R is enacted to read:

R. Social security numbers in the possession of the Secretary of State.

Sec. 4. 29-A MRSA §1301, sub-§6-A is enacted to read:

6-A. Confidentiality. Except as authorized under 18 United States Code, Section 2721, the Secretary of State may not disseminate information collected under subsection 6 to any entity without specific authorization from the Legislature. For every willful violation of this subsection, a person commits a civil violation for which a fine of not more than \$500 may be adjudged.

Sec. 5. 29-A MRSA §1401, sub-§6, as enacted by PL 1999, c. 470, §24, is repealed and the following enacted in its place:

6. Storage, recording, retention and distribution of digital images and digitized signatures. Digital images and digitized signatures used to produce a license are confidential and may be distributed only for use by a law enforcement agency in carrying out its functions or as otherwise authorized under the provisions of 18 United States Code, Section 2721. The Secretary of State may store, record and retain digital images and digitized signatures used only for the purpose of producing a license. A violation of this subsection is a violation of section 2103, subsection 4.

Sec. 6. 29-A MRSA §1401, sub-§9 is enacted to read:

9. Use of biometric technology. The Secretary of State may not use biometric technology, including, but not limited to, retinal scanning, facial recognition or fingerprint technology, to produce a license or non-driver identification card. This subsection does not apply to digital images.

Sec. 7. 29-A MRSA §1410, sub-§5, as enacted by PL 1997, c. 437, §40, is repealed and the following enacted in its place:

5. Storage, recording, retention and distribution of digital images and digitized signatures. Digital images and digitized signatures used to produce a nondriver identification card are confidential and may be distributed only for use by a law enforcement agency in carrying out its functions or as otherwise authorized under the provisions of 18 United States Code, Section 2721. The Secretary of State may store, record and retain digital images and digitized signatures used only for the purpose of producing a nondriver identification card. A violation of this subsection is a violation of section 2103, subsection 4.

Sec. 8. PL 2007, c. 648, §9 is repealed.

Sec. 9. Allocation of funds. Cost savings as a result of this Act must be allocated to the Highway and

Bridge Capital program within the Department of Transportation.

See title page for effective date.

CHAPTER 150
H.P. 871 - L.D. 1173

**An Act To Make Changes to
the Maine College Savings
Program**

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

Sec. 1. 20-A MRSA §11473, sub-§1, as enacted by PL 1997, c. 732, §4, is amended to read:

1. Creation. The Maine College Savings Program Fund, referred to in this chapter as ~~the "the program fund,"~~ is established as a nonlapsing fund to be held, directed and administered by the authority ~~and held by the Treasurer of State.~~ The ~~Treasurer of State~~ authority shall keep the program fund segregated from all other funds held by the ~~Treasurer of State~~ authority and shall invest and reinvest, or cause to be invested and reinvested, the program fund for the benefit of the program under the direction of and with the advice of the advisory committee. The program fund so administered is a fund held on behalf of participants and beneficiaries who are deemed specifically named persons for the purposes of Title 5, section 135-A.

Sec. 2. 20-A MRSA §11473, sub-§5, as enacted by PL 1997, c. 732, §4, is amended to read:

5. Common investment of funds. The authority may commingle, or cause or allow to be commingled, amounts credited to some or all accounts for investment purposes and may provide for the application of program earnings to pay any administrative costs of the program fund prior to crediting program earnings to participants' accounts.

Sec. 3. 20-A MRSA §11474, sub-§2, as enacted by PL 1997, c. 732, §4, is amended to read:

2. Invest funds. With the advice of the advisory committee, ~~direct the Treasurer of State to invest and reinvest, or cause to be invested and reinvested,~~ money in the program fund in any investments determined by the authority to be appropriate, notwithstanding any general statutory limitations on investments of public funds specifically determined to be inapplicable to the program fund. The authority must invest, or cause to be invested, money from the program fund in financial institutions located in the State to the extent determined reasonable by the authority;

Sec. 4. 20-A MRSA §11476, as enacted by PL 1997, c. 732, §4, is amended to read:

§11476. Investment options and parameters

The authority, with the advice of the advisory committee, may provide investment options for a participant within the program fund to the extent permitted by Internal Revenue Code provisions addressing qualified state tuition programs. The authority, with the advice of the advisory committee, shall invest, or cause to be invested, the amounts on deposit in the program fund in a reasonable manner to achieve the objectives of each fund, exercising the discretion and care of a prudent person in similar circumstances with similar objectives. A participant or designated beneficiary may not direct the investment of any amounts on deposit in the program fund, except to the extent allowed pursuant to provisions of the Internal Revenue Code addressing qualified state tuition programs. The authority shall give due consideration to rate of return, term or maturity, diversification and liquidity of investments within the program fund or any account in the program fund pertaining to the projected disbursements and expenditures from the program fund and the expected payments, deposits, contributions and gifts to be received.

Sec. 5. 20-A MRSA §11484, sub-§1, ¶B-1, as enacted by PL 2001, c. 417, §19, is repealed.

Sec. 6. 20-A MRSA §11484, sub-§1, ¶B-2, as enacted by PL 2001, c. 417, §19, is amended to read:

B-2. ~~One member~~ Two members appointed by the Governor from at large;

Sec. 7. 20-A MRSA §11484, sub-§1, ¶D, as enacted by PL 1997, c. 732, §4, is repealed.

Sec. 8. 20-A MRSA §11484, sub-§1, ¶E is enacted to read:

E. Two members representing institutions with experience in and knowledge of higher education financial and investment matters. One member must be a member appointed by the Governor with experience in and knowledge of institutional investment of funds. One member must be appointed by the chair of the authority's board of directors who is a member of the authority's board of directors other than the Treasurer of State.

Sec. 9. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 20-A, section 11473, subsections 1 and 5; section 11474, subsection 2; and section 11476 take effect on July 1, 2012. That section of this Act that repeals Title 20-A, section 11484, subsection 1, paragraph B-1 and that section of this Act that amends Title 20-A, section 11484, subsection 1, paragraph B-2 take effect at the expiration of the term of the member with knowledge of student financial assistance or when the position is vacant. That section of this Act that repeals Title 20-A, section 11484, subsection 1, paragraph D and