

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-FIFTH LEGISLATURE

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

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

(d) Removing ~~asbestos from~~ or abating ~~asbestos hazardous materials~~ in a school building; and

(f) Undertaking other health, safety and compliance repairs.

(2) Repairs and improvements ~~not~~ related to ~~health, safety and compliance repairs receive 2nd priority status. Those repairs and improvements are limited to~~ a school building structure, windows and doors and ~~to a school building water or septic system systems receive Priority 2 status.~~

(3) ~~Upgrade of learning spaces in school buildings and small scale capital improvements receive 3rd priority status. Repairs and improvements related to energy and water conservation receive Priority 3 status.~~

(4) ~~The Commissioner of Education may approve other necessary repairs. Upgrades of learning spaces in school buildings receive Priority 4 status.~~

(5) ~~After the total amount appropriated, allocated and repaid to the fund exceeds \$75,000,000, loans may be provided for 2nd priority status, 3rd priority status or other necessary repairs, improvements and upgrades, with approval of the The Commissioner of Education, based on rules adopted under this section, as long as the Commissioner of Education determines that substantial progress has been made in addressing may approve other necessary repairs and renovations with first priority status;~~

Sec. 2. 30-A MRSA §6006-F, sub-§3, ¶B, as amended by PL 1999, c. 81, §16, is further amended to read:

B. To make loans to a school administrative unit to finance expenditures incurred after June 1, 1998 for repairs or renovations authorized under paragraph A ~~and certified under subsection 5;~~

Sec. 3. 30-A MRSA §6006-F, sub-§3, ¶C, as enacted by PL 1997, c. 787, §13, is amended to read:

C. To guarantee or insure, directly or indirectly, the payment of notes or bonds issued or to be issued by a school administrative unit for the purpose of financing any repair authorized under paragraph A ~~and certified under subsection 5;~~

Sec. 4. 30-A MRSA §6006-F, sub-§3, ¶E, as enacted by PL 1997, c. 787, §13, is amended to read:

E. To deposit with a lending institution or with a trustee bank, available fund balances to offset loan balances for school administrative districts

undertaking projects authorized by paragraph A ~~and certified under subsection 5;~~

Sec. 5. 30-A MRSA §6006-F, sub-§3, ¶G, as amended by PL 2005, c. 683, Pt. A, §53, is further amended to read:

G. To invest as a source of revenue or security for the payment of principal and interest on general or special obligations of the bank if the proceeds of the sale of the obligations have been deposited in the fund, or if the proceeds of the sale of the obligations are used for the purposes authorized in paragraph A ~~and certified under subsection 5,~~ or as a source of revenue to subsidize the school administrative unit loan payment obligations;

Sec. 6. 30-A MRSA §6006-F, sub-§3, ¶J, as enacted by PL 2005, c. 272, §2, is amended to read:

J. To reimburse school administrative units for costs incurred for ~~first priority~~ Priority 1 status health and safety projects described in paragraph A, subparagraph (1) and approved by the Commissioner of Education. The amount of the reimbursement must be determined in accordance with the school administrative unit's state share percentage as provided in subsection 6, ~~paragraph A.~~

Sec. 7. 30-A MRSA §6006-F, sub-§6, as amended by PL 2005, c. 2, Pt. D, §65 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

6. Forgiveness of principal payments. The fund must provide direct grants by forgiving the principal payments of a loan for an eligible school administrative unit. The amount of the forgiveness of principal payments must be determined by the school administrative unit's state share percentage as determined in Title 20-A, section 15672, subsection 31, not to exceed: 70% and not less than 30%.

~~A. Seventy percent and no less than 30% for health, safety and compliance;~~

~~B. Seventy percent and no less than 30% for repairs and improvements; and~~

~~C. Seventy percent and no less than 30% for learning space upgrades.~~

See title page for effective date.

CHAPTER 154

H.P. 161 - L.D. 184

**An Act To Promote the
Financial Literacy of High
School Students**

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

Sec. 1. 20-A MRSA §254, sub-§13 is enacted to read:

13. Technical assistance; integrated model for instruction in personal finance. The commissioner shall develop a program of technical assistance that promotes the importance of financial literacy and encourages school administrative units to implement an integrated model for instruction in personal finance that may be used in secondary schools as part of the instruction in social studies or mathematics required by section 4722, subsection 2, paragraphs B and C. The commissioner, in consultation with the Finance Authority of Maine, the Office of Securities within the Department of Professional and Financial Regulation, Jobs for Maine's Graduates, organizations representing banks, credit unions and financial professionals and other interested organizations promoting personal finance initiatives, shall prepare and distribute annually, in January, a report to school boards and superintendents that includes strategies and resources available to implement an integrated model for instruction in personal finance for use in secondary schools. The annual report must also be provided to the joint standing committee of the Legislature having jurisdiction over education matters, and the department shall post the report on its publicly accessible website.

See title page for effective date.

CHAPTER 155

S.P. 361 - L.D. 1186

An Act To Amend the Probate Code Relating to the Authority of the Probate Court To Approve Transfers from a Protected Person's Estate

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

Sec. 1. 18-A MRSA §5-408, sub-§(6), as enacted by PL 2005, c. 12, Pt. DDD, §4 and affected by §17, is amended to read:

(6). The court may authorize a gift or other transfer for less than fair market value from the protected person's estate ~~other than to the protected person's spouse or dependent, blind or disabled child if the court finds that the gift or other transfer will not, directly or indirectly, diminish the protected person's estate in order to qualify for federal or state aid or benefits, including the MaineCare program under Title 22, chapter 855, and if the court finds:~~

(a). That the remaining estate assets of the protected person are sufficient for the protected per-

son's care and maintenance for the next 36 60 months, including due provision for the protected person's established standard of living and for the support of any persons the protected person is legally obligated to support and any dependents of the protected person; and

(b). That the gift or other transfer will not hasten the date of eligibility for MaineCare coverage of the protected person's long-term care expenses during the next 36 60 months.

~~This subsection does not prevent a transfer~~ If the gift or other transfer is being made to the protected person's spouse or blind or disabled child or to a trust established pursuant to 42 United States Code, Section 1396p(d)(4), or is otherwise specifically allowed without a transfer penalty by law governing the federal Medicaid program under 42 United States Code, the court may authorize the gift or other transfer without making the findings under paragraphs (a) and (b).

Sec. 2. 18-A MRSA §5-409, sub-§(d), as enacted by PL 2005, c. 12, Pt. DDD, §6 and affected by §17, is amended to read:

(d). The court may authorize a gift or other transfer for less than fair market value from the protected person's estate ~~other than to the protected person's spouse or dependent, blind or disabled child if the court finds that the gift or other transfer will not, directly or indirectly, diminish the protected person's estate in order to qualify for federal or state aid or benefits, including the MaineCare program under Title 22, chapter 855, and if the court finds:~~

(1). That the remaining estate assets of the protected person are sufficient for the protected person's care and maintenance for the next 36 60 months, including due provision for the protected person's established standard of living and for the support of any persons the protected person is legally obligated to support and any dependents of the protected person; and

(2). That the gift or other transfer will not hasten the date of eligibility for MaineCare coverage of the protected person's long-term care expenses during the next 36 60 months.

~~This subsection does not prevent a transfer~~ If the gift or other transfer is being made to the protected person's spouse or blind or disabled child or to a trust established pursuant to 42 United States Code, Section 1396p(d)(4), or is otherwise specifically allowed without a transfer penalty by law governing the federal Medicaid program under 42 United States Code, the court may authorize the gift or other transfer without making the findings under paragraphs (1) and (2).

Sec. 3. 18-A MRSA §5-425, sub-§(b-1), as enacted by PL 2005, c. 12, Pt. DDD, §8 and affected by §17, is amended to read: