

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

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. Draw on existing state data and studies rather than new analyses, including, but not limited to, analyses and data from the State's climate action plan pursuant to Title 38, section 577 and the progress updates to the climate action plan under Title 38, section 578, the comprehensive state energy plan pursuant to subsection 3, paragraph C, the Efficiency Maine Trust's triennial plan pursuant to Title 35-A, section 10104, subsection 4 and analyses completed by the Federal Government, nonprofit organizations and other stakeholders.

Sec. 3. Report. The Director of the Governor's Office of Energy Independence and Security shall submit the report required under the Maine Revised Statutes, Title 2, section 9, subsection 5 to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters by December 1, 2012 with any suggested legislation. The report must include a cost and resource estimate for technology development needed to meet the oil dependence reduction targets.

See title page for effective date.

**CHAPTER 401
H.P. 54 - L.D. 66**

**An Act To Amend the Laws
Governing the Capital Reserve
Funds of the Maine
Educational Loan Authority**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Educational Loan Authority will not be able to create or establish any capital reserve funds after June 30, 2011; and

Whereas, immediate enactment of this legislation is necessary to ensure that the Maine Educational Loan Authority's authority to create or establish capital reserve funds does not lapse; 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 amended by PL 2009, c. 40, §1, is further 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 authority. The authority may not create or establish any capital reserve fund under this section after June 30, ~~2011~~ 2017.

Sec. 2. 20-A MRSA §11424, sub-§6, as amended by PL 2009, c. 40, §3, is further amended to read:

6. Bonds outstanding. The authority 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 ~~\$300,000,000~~ \$225,000,000. The amount of bonds issued to refund bonds previously issued may not be taken into account in determining the principal amount of the bonds outstanding, 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 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 must be valued as of any date of calculation at their current accreted value rather than their face value.

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

Effective June 22, 2011.

**CHAPTER 402
S.P. 352 - L.D. 1152**

**An Act To Amend the Child
and Family Services and Child
Protection Act**

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

Sec. 1. 22 MRSA §4002, sub-§9-D is enacted to read:

9-D. Resource family. "Resource family" means a person or persons who provide care to a child in the child welfare system and who are foster parents, permanency guardians, adoptive parents or members of the child's extended birth family.

Sec. 2. 22 MRSA §4012, sub-§1, as enacted by PL 1979, c. 733, §18, is amended to read: