

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**September 27, 2011**

**SECOND REGULAR SESSION**  
**January 4, 2012 to May 31, 2012**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**LAWS IS**  
**SEPTEMBER 28, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 30, 2012**

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

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**Augusta, Maine**  
**2012**

(2) The disclosure is approved by the commissioner; and

(3) Neither original records nor identifying data are removed from the facility or office that prepared the records.

The commissioner and the person doing the research shall preserve the anonymity of the person receiving services from the department and may not disseminate data that refer to that person by name or number or in any other way that might lead to the person's identification;

F. To persons who directly supervise or report on the health, behavior or progress of a juvenile, to the superintendent of a juvenile's school and the superintendent's designees and to agencies that are or might become responsible for the health or welfare of a juvenile if the information is relevant to and disseminated for the purpose of creating or maintaining an individualized plan for the juvenile's rehabilitation, including reintegration into the school; or

G. To any state agency engaged in statistical analysis for the purpose of improving the delivery of services to persons who are or might become mutual clients if:

(1) The plan for the statistical analysis is first submitted to and approved by the commissioner; and

(2) The disclosure is approved by the commissioner.

The commissioner and the state agency requesting the information shall preserve the anonymity of the persons receiving services from the department and may not disseminate data that refer to any person by name or number or that in any other way might lead to a person's identification.

Notwithstanding any other provision of law, the department may release the names, dates of birth and social security numbers of ~~juveniles persons~~ receiving services from the department and, if applicable, eligibility numbers and the dates on which those ~~juveniles persons~~ received services to ~~the Department of Health and Human Services~~ any state or federal agency for the sole purpose of determining eligibility and billing for services and payments under federally funded programs administered by the ~~Department of Health and Human Services~~ and provided by or through the ~~department~~ agency. The department may also release to the ~~Department of Health and Human Services~~ agency information required for and to be used solely for audit or research purposes, consistent with federal law, for those services provided by or through the department. ~~Department of Health and Human Services Agency~~ personnel ~~must shall~~ treat this information as confidential in accordance with federal and state law and

~~must shall~~ return the records when their purpose has been served.

**Sec. 3. 34-A MRSA §1403, sub-§9, ¶A**, as amended by PL 2011, c. 340, §2, is further amended to read:

A. The program may make services and goods available for use by correctional facilities or for purchase by other state, county or local governmental entities, private businesses in the State, community agencies, as defined in section 1206, subsection 1, or the public. The program may also donate services or goods to other state, county or local governmental entities for the purpose of promoting prison industries or to public or private nonprofit organizations.

See title page for effective date.

**CHAPTER 516**

**S.P. 614 - L.D. 1777**

**An Act To Correct an Inconsistency in the Employment Security Law**

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

**Sec. 1. 26 MRSA §1193, sub-§10, ¶C** is enacted to read:

C. If the individual did not contribute to the plan, the individual receives a benefit reduced by the full prorated weekly amount of the pension received. The benefit may not be reduced below zero.

See title page for effective date.

**CHAPTER 517**

**S.P. 617 - L.D. 1780**

**An Act To Enhance Career Pathways for Adult Learners**

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

**Sec. 1. 20-A MRSA §8601-A, sub-§1**, as amended by PL 2007, c. 131, §2, is repealed and the following enacted in its place:

**1. Adult education.** "Adult education" means an education program primarily operated for individuals beyond the compulsory school age that is administered by school administrative units and that includes intake, assessment, career advising, instruction and individual learning plans; is guided by data management, annual

monitoring and annual professional development plans; uses appropriately certified staff; is designed to meet identified local needs; and offers at least 3 of the following:

- A. Basic literacy instruction or instruction in English as a Second Language;
- B. High school completion courses;
- C. College transition courses;
- D. Career pathways services; and
- E. Enrichment courses.

**Sec. 2. 20-A MRSA §8601-A, sub-§2-A,** as amended by PL 2007, c. 131, §2, is repealed.

**Sec. 3. 20-A MRSA §8601-A, sub-§12,** as enacted by PL 2007, c. 131, §2, is amended to read:

**12. Adult career and technical education.** "Adult career and technical education" means organized educational activities, eligible for federal or state funding, that:

- A. Offer a sequence of courses that provide individuals with the academic and technical knowledge and skills the individuals need to prepare for further education and for careers, other than careers requiring a baccalaureate, master's or doctoral degree, in current or emerging employment sectors; and
- B. Include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills and occupation-specific skills of an individual.

~~"Adult career and technical education" includes career and technical education as defined in subsection 2-A, and similar educational activities for postsecondary students.~~

**Sec. 4. 20-A MRSA §8601-A, sub-§13,** as enacted by PL 2007, c. 131, §2, is amended to read:

**13. Adult learners with disabilities.** "Adult learners with disabilities" means ~~adults~~ individuals who cannot benefit from a regularly scheduled adult education course because of a disability and are found by the unit, region or center to be capable of benefiting from a course for adult learners with disabilities designed to help adults learn basic life skills through practical instruction related to their needs and goals. Adult learners with disabilities are those students who are not eligible, due to age, for services under the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400, et seq have been determined eligible as students with disabilities under the federal Individuals with Disabilities Education Act who are 16 years of age or older and under 21 years of age and who have neither received a regular high

school diploma nor turned 20 years of age during the prior school year; individuals who are eligible under Section 504 of the Rehabilitation Act of 1973 and individuals who are eligible under the federal Americans with Disabilities Act of 1990.

**Sec. 5. 20-A MRSA §8601-A, sub-§14,** as enacted by PL 2007, c. 131, §2, is amended to read:

**14. Adult workforce training and retraining.** "Adult workforce training and retraining" means courses or activities eligible for state funding that serve any of the following adult learners:

- A. Preparatory learners, who are adults learning new skills in preparation for employment in a job or occupation that is new to them;
- B. Supplemental learners, who are adults pursuing courses or activities that are related, in a clear and applicable manner, to current full-time or part-time employment or wage-earning activities; ~~or~~
- C. Certificate learners, who are adults participating in a sequence of courses that provide individuals with the academic and technical knowledge and skills that individuals need to prepare for further education and careers in current or emerging employment sectors, including the skills and training and work credential programs conducted under the auspices of the boards of the local workforce investment areas designated pursuant to the federal Workforce Investment Act of 1998, Public Law 105-220, and the department; and
- D. Career pathways learners, who are adults participating in career pathways services.

**Sec. 6. 20-A MRSA §8601-A, sub-§22** is enacted to read:

**22. Career pathways services.** "Career pathways services" means career counseling and education for individuals who seek to secure employment and to advance over time to successively higher levels of education and employment by following a pathway, each step of which is designed to prepare the individual for the next level of education or employment.

**Sec. 7. 20-A MRSA §8606-A, sub-§2, ¶A,** as amended by PL 2007, c. 131, §5, is further amended to read:

- A. The recommended funding level must include funds in an amount that is sufficient to provide for state administration of adult education programs including funds for the cost of general educational development tests and administration; supporting a statewide volunteer program of literacy outreach literacy programs; state-sponsored professional development; state-level data collection, including the required software for units, regions or centers providing adult education programs; and reim-

bursment of the costs listed in section 8607-A at the rates established in that section. The recommended funding level may not exceed the maximum allowable expenditures in the base year, adjusted pursuant to paragraph C.

**Sec. 8. 20-A MRSA §8606-A, sub-§3**, as amended by PL 2007, c. 131, §5, is further amended to read:

**3. State reimbursement.** State reimbursement for expenditures on adult education programs must be based on each unit's, region's or center's actual adult education program costs in the base year, ~~except that in fiscal years 1991-92 and 1992-93 available state funding is limited to the fiscal year 1990-91 level, and in fiscal years 1995-96 and 1996-97 available state funding is limited to the fiscal year 1994-95 level.~~

A. The state reimbursement must be based on the unit's, region's or center's expenditures for the base year in accordance with the maximum allowable expenditures and the local program cost adjustment to the equivalent of the year prior to the year of the allocation.

B. State reimbursement must be paid to each eligible unit, region or center during the 2nd quarter of the State's fiscal year.

See title page for effective date.

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## CHAPTER 518

H.P. 1227 - L.D. 1637

### An Act To Permit Financial Institutions To Share Certain Information for the Purpose of Preventing Electronic Bank Card Losses and Other Fraud

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

**Sec. 1. 9-B MRSA §161, sub-§2, ¶M**, as enacted by PL 2001, c. 262, Pt. B, §3, is amended to read:

M. The sharing of information to the extent permitted by the provisions of the federal Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. (1999) and the applicable implementing federal Privacy of Consumer Information regulations, as adopted by the Office of the Comptroller of the Currency, 12 Code of Federal Regulations, Part 40 (2001); the Board of Governors of the Federal Reserve System, 12 Code of Federal Regulations, Part 216 (2001); the Federal Deposit Insurance Corporation, 12 Code of Federal Regulations, Part 332 (2001); the Office of Thrift Supervision, 12 Code of Federal Regula-

tions, Part 573 (2001); the National Credit Union Administration, 12 Code of Federal Regulations, Part 716 (2001); the Federal Trade Commission, 16 Code of Federal Regulations, Part 313 (2001); or the Securities and Exchange Commission, 17 Code of Federal Regulations, Part 248 (2001). This paragraph is not intended to permit the release of health care information except as permitted by Title 22, section 1711-C or Title 24-A, chapter 24; ~~or~~

**Sec. 2. 9-B MRSA §161, sub-§2, ¶N**, as enacted by PL 2001, c. 262, Pt. B, §3, is amended to read:

N. The sharing of financial records with affiliates other than as permitted under paragraphs L and M; ~~or~~

**Sec. 3. 9-B MRSA §161, sub-§2, ¶O** is enacted to read:

O. The disclosure of the financial records of a customer for the same reasons that such disclosure is permitted for nonpublic personal information under paragraph M and the federal Gramm-Leach-Bliley Act, 15 United States Code, Section 6802(e) (2010).

See title page for effective date.

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## CHAPTER 519

H.P. 1288 - L.D. 1747

### An Act To Prohibit Municipalities from Imposing Fees on Ice Fishing Shacks

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

**Whereas**, this legislation needs to take effect before the expiration of the 90-day period in order to apply to the upcoming ice fishing season; 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. 12 MRSA §13201, sub-§3**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**3. Ice fishing shacks.** The enactment of any ordinance regulating ice fishing shacks on: