

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 2016 to August 2, 2017

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

Augusta, Maine
2017

8. Repeal. This section is repealed January 1, 2024.

Sec. 9. 24-A MRSA §4318-B is enacted to read:

§4318-B. Access to lower-priced services

1. Services from out-of-network provider; lower prices. Beginning January 1, 2019, if an enrollee covered under a health plan other than a health maintenance organization plan elects to obtain a covered comparable health care service as defined in section 4318-A, subsection 1, paragraph A from an out-of-network provider at a price that is the same or less than the statewide average for the same covered health care service based on data reported on the publicly accessible health care costs website of the Maine Health Data Organization, the carrier shall allow the enrollee to obtain the service from the out-of-network provider at the provider's charge and, upon request by the enrollee, shall apply the payments made by the enrollee for that comparable health care service toward the enrollee's deductible and out-of-pocket maximum as specified in the enrollee's health plan as if the health care services had been provided by an in-network provider. A carrier may use the average price paid to a network provider for the covered comparable health care service under the enrollee's health plan in lieu of the statewide average price on the Maine Health Data Organization's publicly accessible website as long as the carrier uses a reasonable method to calculate the average price paid and the information is available to enrollees through a website accessible to the enrollee and a toll-free telephone number that provide, at a minimum, information relating to comparable health care services. The enrollee is responsible for demonstrating to the carrier that payments made by the enrollee to the out-of-network provider should be applied toward the enrollee's deductible or out-of-pocket maximum pursuant to this section. The carrier shall provide a downloadable or interactive online form to the enrollee for the purpose of making such a demonstration and may require that copies of bills and proof of payment be submitted by the enrollee. For the purposes of this section, "out-of-network provider" means a provider located in Massachusetts, New Hampshire or this State that is enrolled in the MaineCare program and participates in Medicare.

2. Rules. The superintendent may adopt rules as necessary to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3. Repeal. This section is repealed January 1, 2024.

See title page for effective date.

CHAPTER 233

H.P. 755 - L.D. 1077

An Act To Reduce the License Fee for High-stakes Beano

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

Sec. 1. 17 MRSA §314-A, sub-§4, as amended by PL 2015, c. 24, §1 and affected by §2, is further amended to read:

4. Term of license; fees. A license issued under this section is valid for a period of one year. The annual license fee for a high-stakes beano license is ~~\$50,000, except that the annual license fee due in 2008 to 2016 is \$25,000~~ **\$5,000**. License fees may be paid in advance in quarterly installments. All license fees must be paid to the Treasurer of State to be credited to the General Fund.

Sec. 2. High-stakes beano license reduction. Notwithstanding the Maine Revised Statutes, Title 17, section 314-A, subsection 4, a unit within the Department of Public Safety tasked with collecting fees for the conduct of high-stakes beano may not collect an amount totaling greater than \$5,000 in calendar year 2017 from any one federally recognized Indian tribe in the State eligible to conduct high-stakes beano.

See title page for effective date.

CHAPTER 234

S.P. 454 - L.D. 1340

An Act To Amend the Laws Governing the Maine State Housing Authority

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

Sec. 1. 5 MRSA §1742, sub-§23, ¶D, as amended by PL 1989, c. 502, Pt. A, §16, is further amended to read:

D. The department shall work closely with the Maine State Housing Authority to develop a procedure by which surplus state-owned land and structures are held in trust for the purpose set forth in this section and Title 30-A, chapter 201, ~~sub-chapters III A and XI~~ subchapter 3-A;

Sec. 2. 10 MRSA §363, sub-§11, as amended by PL 1999, c. 728, §8, is repealed.

Sec. 3. 30-A MRSA §4702, sub-§1, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Area of operation. "Area of operation" of a municipal housing authority includes all of the municipality for which it is created and, except as provided in paragraphs A ~~and~~ B ~~and~~ C-1, the area within 10 miles outside its ~~territorial~~ municipal boundaries. The "area of operation" of the Maine State Housing Authority is the entire State, except as provided in paragraph C-1.

A. ~~No~~ A municipal housing authority may not operate in any area in which ~~an~~ a municipal housing authority already established is operating without the consent by resolution of the municipal housing authority already operating in that area.

B. The area of operation of the housing authority of a ~~city~~ municipality does not include any area ~~which that~~ lies within the ~~territorial~~ municipal boundaries of any ~~other city~~ nor does it include ~~any portion of a town~~ municipality for which a municipal housing authority has been organized, without the consent by resolution of the legislative body of the ~~other city~~ or the selectmen of the ~~town~~ other municipality.

C. ~~The Maine State Housing Authority may not operate in any area in which a municipal authority already established under this chapter is operating without the consent by resolution of that authority.~~

~~(1) In the case of the Maine State Housing Authority, the requirements of coordination and local approval specified in sections 4741, subsection 10 and 4771 may be complied with by the local municipal legislative body's passage of the following resolution:~~

~~"The Maine State Housing Authority is authorized to seek and may contract for financial assistance from the Federal Government for the purpose of providing housing for low income persons and families in (Name of Municipality)."~~

~~Passage of this resolution is conclusive evidence of compliance with sections 4741, subsection 10, and 4771. The local municipal legislative body may repeal the resolution, provided that:~~

~~(a) Any contract for federal assistance entered into between the Maine State Housing Authority and any person in or with respect to the municipality in question after the original resolution is passed and before it is repealed is not affected by the repeal; and~~

~~(b) The security of the authority's mortgage interest or the obligation or repayment of debt to bondholders is not affected by the repeal.~~

C-1. A municipal housing authority has exclusive jurisdiction within the municipal boundaries of the municipality for which it was organized to administer regular tenant-based housing choice vouchers under Section 8 of the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, as amended. This paragraph does not limit the authority of the Maine State Housing Authority to administer project-based vouchers or to administer specialty vouchers that are associated with services such as case management, clinical services, child welfare services or other housing stability services.

~~D. The authority shall meet and discuss with the local municipal legislative body concerning permissible and preferred developers, housing management entities and sites in anticipation of a preliminary designation of a proposed project. When the authority has received a proposed project for consideration, it shall so notify the municipality in question. When the authority has made a preliminary designation of a proposed project, it shall so notify the municipality within 30 days. If the municipal legislative body disapproves of the preliminary designation, it shall notify the authority of its disapproval within 45 days after the authority's notice of selection. The notice of disapproval has the effect of repealing the consent resolution for that proposed project.~~

Sec. 4. 30-A MRSA §4702, sub-§5, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

Sec. 5. 30-A MRSA §4702, sub-§10, ¶A, as amended by PL 1991, c. 574, §1, is further amended to read:

A. An interest-bearing obligation secured by a mortgage constituting a lien on single-family or multi-unit residential housing, including any mortgage loan made for the purpose of acquiring, developing, constructing or reconstructing single-family or multi-unit residential housing or for the purpose of preserving and maintaining the affordability of the housing;

Sec. 6. 30-A MRSA §4702, sub-§10-A is enacted to read:

10-A. Municipal housing authority or municipal authority. "Municipal housing authority" or "municipal authority" means any of the public corporations authorized to be created by section 4721.

Sec. 7. 30-A MRSA §4702, sub-§13, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

Sec. 8. 30-A MRSA §4706, sub-§§5 to 7 are enacted to read:

5. Confidentiality of personnel records. The following records are confidential and not open to public inspection:

A. Except as otherwise provided in this paragraph, applications, resumes, letters and notes of reference, working papers, research materials, records, examinations and any other documents or records and the information they contain, solicited or prepared either by the applicant or the authority for use in the examination or evaluation of applicants for employment by the authority.

(1) Applications, resumes and letters and notes of reference pertaining to the applicant hired, other than those letters and notes of reference expressly submitted in confidence, are public records after the applicant is hired.

(2) Telephone numbers are not public records if they are designated as unlisted or unpublished in an application, resume or letter or note of reference:

B. Authority records pertaining to an identifiable employee and containing the following:

(1) Medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;

(2) Performance evaluations and personal references submitted in confidence;

(3) Information pertaining to the creditworthiness of a named employee;

(4) Information pertaining to the personal history, general character or conduct of members of the employee's immediate family;

(5) Complaints, charges or accusations of misconduct, replies to those complaints, charges or accusations and any other information or materials that may result in disciplinary action. If disciplinary action is taken, the final written decision relating to that action is no longer confidential after the decision is completed if it imposes or upholds discipline. The decision must state the conduct or other facts on the basis of which disciplinary action is being imposed and the conclusions of the acting authority as to the reasons for that action; and

(6) Personal information, including that which pertains to the employee's:

(a) Age;

(b) Ancestry, ethnicity, genetic information, national origin, race or skin color;

(c) Marital status;

(d) Mental or physical disabilities;

(e) Personal contact information, as described in Title 1, section 402, subsection 3, paragraph O;

(f) Personal employment choices pertaining to elected payroll deductions, deferred compensation, saving plans, pension plans, health insurance and life insurance;

(g) Religion;

(h) Sex or sexual orientation as defined in Title 5, section 4553, subsection 9-C; or

(i) Social security number; and

C. Other information to which access by the general public is prohibited by law.

6. Employee right to review. On written request from an employee or former employee, the authority shall provide the employee, former employee or the employee's authorized representative with an opportunity to review the employee's personnel file, if the authority has a personnel file for that employee. The review must take place during normal office hours at the location where the personnel files are maintained. For the purposes of this subsection, a personnel file includes, but is not limited to, any formal or informal employee evaluations and reports relating to the employee's character, credit, work habits, compensation and benefits that the authority may possess. The records described in subsection 5, paragraph B may also be examined by the employee to whom the records relate, as provided in this subsection.

7. Constitutional obligations of a prosecutor. Notwithstanding this section or any other provision of law, subsection 5 does not preclude the disclosure of confidential personnel records and the information contained in those records to the Attorney General, a deputy attorney general, an assistant attorney general, a district attorney, a deputy district attorney, an assistant district attorney or the equivalent departments or offices in a federal jurisdiction that are related to the determination of and compliance with the constitutional obligations of the State or the United States to provide discovery to a defendant in a criminal matter. A person or entity participating in good faith disclosure under this subsection or participating in a related proceeding is immune from criminal and civil liability for the act of disclosure or for participating in the proceeding.

Sec. 9. 30-A MRSA §4721, sub-§5 is enacted to read:

5. Meeting with municipal legislative body. Unless the municipality and the authority agree other-

wise, an authority shall meet at least annually with the legislative body of the municipality for which it is created.

Sec. 10. 30-A MRSA §4722, sub-§1, ¶F, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

F. Act as the public agency of the State for the purpose of accepting federal funds or other assistance, or funds or other assistance from any other source, in relation to housing activity ~~in those areas~~ and for those projects authorized under section 4741, subsection 2 and other relevant provisions of this chapter;

Sec. 11. 30-A MRSA §4722, sub-§1, ¶K, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

K. Perform other functions necessary ~~to the powers and duties expressly stated in this chapter or~~ useful for carrying out any of its powers, duties or purposes;

Sec. 12. 30-A MRSA §4722, sub-§1, ¶M, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

Sec. 13. 30-A MRSA §4722, sub-§1, ¶O, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

O. Issue or cause to be issued certificates or other instruments evidencing the holder's fractional undivided interest in a pool of mortgage loans. Whether or not the certificates or instruments are of such form or character as to be negotiable instruments under Title 11, article ~~§ 8-A~~, the certificates or instruments are deemed negotiable instruments within the meaning of and for all the purposes of Title 11, article ~~§ 8-A~~, subject only to any registration requirements that the Maine State Housing Authority may establish;

Sec. 14. 30-A MRSA §4722, sub-§1, ¶W, as amended by PL 2003, c. 704, §4, is further amended to read:

W. Pursuant to the purpose of the Act to provide housing assistance to persons of low income and in accordance with rules adopted under the Maine Administrative Procedure Act, operate programs to provide energy conservation and fuel assistance on behalf of persons of low income in connection with single-family or multi-unit residential housing and accept, obtain, distribute and administer federal and state funds, including block grants, for energy conservation and fuel assistance for the purpose of operating those programs;

~~(1) The Maine State Housing Authority shall report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on June 30, 1992 and annually thereafter on the low-income energy assistance program. The report must include, but is not limited to, program revenue and expenditures, number of individuals served and types of services provided;~~

Sec. 15. 30-A MRSA §4722, sub-§1, ¶Y, as amended by PL 2011, c. 679, §29, is repealed.

Sec. 16. 30-A MRSA §4722, sub-§1, ¶CC, as corrected by RR 2009, c. 2, §85, is amended to read:

CC. Encourage and provide incentives to individuals and entities that conserve energy; support and participate, with resources derived from sources except the conservation program fund under Title 35-A, section 10110, subsection 7, in markets that reward energy conservation and use the proceeds from this participation to support affordable housing programs under its jurisdiction; and create and administer programs that encourage individuals and entities to conserve energy; ~~and~~

Sec. 17. 30-A MRSA §4722, sub-§1, ¶DD, as amended by PL 2011, c. 453, §2, is further amended to read:

DD. Certify affordable housing projects for the purpose of the income tax credit increase under Title 36, section 5219-BB, subsection 3; administer and enforce the affordability requirements set forth in this paragraph; and perform other functions described in this paragraph and necessary to the powers and duties described in this paragraph.

(1) For purposes of this paragraph, unless the context otherwise indicates, the following terms have the following meanings.

(a) "Affordable housing" means a decent, safe and sanitary dwelling, apartment or other living accommodation for a household whose income does not exceed 60% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 412, 50 Stat. 888, Section 8, as amended.

(b) "Affordable housing project" means a project in which:

(i) At least 50% of the aggregate square feet of the completed project is housing of which at least 50% of the aggregate square feet of the

completed housing creates new affordable housing; or

(ii) At least 33% of the aggregate square feet of the completed project creates new affordable housing.

(2) An affordable housing project for which the owner of the property received the income tax credit increase under Title 36, section 5219-BB, subsection 3 must remain an affordable housing project for 30 years from the date the affordable housing project is placed in service. If the property does not remain an affordable housing project for 30 years from the date the affordable housing project is placed in service, the owner of the property shall pay to the Maine State Housing Authority for application to the Housing Opportunities for Maine Fund established under section 4853 an amount equal to the income tax credit increase allowed under Title 36, section 5219-BB, subsection 3, plus interest on that amount at the rate of 7% per annum from the date the property is placed in service until the date of payment of all amounts due. The affordability requirements and the repayment obligation in this subparagraph must be set forth in a restrictive covenant executed by the owner of the property and the affordable housing project for the benefit of and enforceable by the Maine State Housing Authority and recorded in the appropriate registry of deeds before the owner of the property claims the income tax credit increase under Title 36, section 5219-BB, subsection 3.

(3) If the repayment obligation in subparagraph (2) is not fully satisfied after written notice is sent by certified mail or registered mail to the owner of the property at the owner's last known address, the Maine State Housing Authority may file a notice of lien in the registry of deeds of the county in which the real property subject to the lien is located. The notice of lien must specify the amount and interest due, the name and last known address of the owner, a description of the property subject to the lien and the Maine State Housing Authority's address and the name and address of its attorney, if any. The Maine State Housing Authority shall send a copy of the notice of lien filed in the registry by certified mail or registered mail to the owner of the property at the owner's last known address and to any person who has a security interest, mortgage, lien, encumbrance or other interest in the property that is properly recorded in the registry of deeds in which the property is located. The lien arises and becomes perfected at the time the notice is filed

in the appropriate registry of deeds in accordance with this subparagraph. The lien constitutes a lien on all property with respect to which the owner receives the income tax credit increase under Title 36, section 5219-BB, subsection 3 and the proceeds of any disposition of the property that occurs after notice to the owner of the repayment obligation. The lien is prior to any mortgage and security interest, lien, restrictive covenant or other encumbrance recorded, filed or otherwise perfected after the notice of lien is filed in the appropriate registry of deeds. The lien may be enforced by a turnover or sale order in accordance with Title 14, section 3131 or any other manner in which a judgment lien may be enforced under the law. The lien must be in the amount of the income tax credit increase allowed under Title 36, section 5219-BB, subsection 3, plus interest on that amount at the rate of 7% per annum from the date the property is placed in service until the date of payment of all amounts due. Upon receipt of payment of all amounts due under the lien, the Maine State Housing Authority shall execute a discharge lien for filing in the registry or offices in which the notice of lien was filed.

(4) Annually by every August 1st until and including August 1, 2023, the Maine State Housing Authority shall review the report issued pursuant to Title 27, section 511, subsection 5, paragraph A to determine the percentage of the total aggregate square feet of completed projects that constitutes new affordable housing, rehabilitated and developed using:

(a) Either of the income tax credits under Title 36, section 5219-BB, subsection 2; and

(b) The income tax credit increase under Title 36, section 5219-BB, subsection 3.

If the total aggregate square feet of new affordable housing does not equal or exceed 30% of the total aggregate square feet of rehabilitated and developed completed projects eligible for a credit under Title 36, section 5219-BB, the Maine State Housing Authority and Maine Historic Preservation Commission shall notify the State Tax Assessor of this fact:

Sec. 18. 30-A MRSA §4722, sub-§1, ¶¶EE and FF are enacted to read:

EE. Refinance a single-family mortgage loan held by the Maine State Housing Authority for a homeowner whose income at the time of refinanc-

ing is no greater than the income limits for qualified first-time homebuyers established under 26 United States Code, Section 143, or an existing loan on any owner-occupied single-family residence for purposes of lowering mortgage payments or making home improvements for persons of low income; and

FF. Provide grants to eligible homeowners who are served by private well water that shows evidence of high levels of arsenic contamination. For purposes of this paragraph, "homeowner" includes an individual who occupies a single-family dwelling that is located on land that is owned by a member of that individual's immediate family and "immediate family" means a spouse, parent, child, sibling, stepchild, stepparent and grandparent.

Sec. 19. 30-A MRSA §4724, sub-§2, as amended by PL 1991, c. 476, is further amended to read:

2. Acquisition of interest in project; accepting employment. ~~No~~ During tenure and within one year of service, no employee or commissioner of any authority may, within 2 years of that service, or in the case of employees of the authority, during tenure or within 2 years of that service, voluntarily acquire any interest, direct or indirect, in any contract, project or property included or planned to be included in any project of that housing authority over which the employee or commissioner has exercised responsibility, control or decisions during tenure with the authority; ~~nor may any, and no~~ employee or commissioner of any authority, if employment is accepted with any person who has an interest in any contract, property or project included or planned to be included in any project of that authority, may work directly on that contract, project or property for that person if the employee or commissioner has exercised responsibility, control or decisions over that contract, project or property.

A. This subsection does not prohibit a manufactured housing inspector employed by the Maine State Housing Authority from accepting employment by a person to work on manufactured housing ~~which~~ that is manufactured after the date employment with the Maine State Housing Authority has terminated.

Sec. 20. 30-A MRSA §4741, sub-§§10 and 11, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, are further amended to read:

10. Coordination with municipal officers. The commissioners of a municipal authority or the director of the Maine State Housing Authority shall ~~establish procedures by which the legislative body of a municipality may provide the municipal officers an opportunity to review and discuss proposed development projects and~~ prior to submitting the plans for financing

~~proposed projects to the appropriate municipal officer or agency;~~

11. Mortgage credits. The Maine State Housing Authority may acquire from banks, life insurance companies, savings and loan associations, pension or retirement funds, any fiduciaries, the Federal Government and other financial institutions, persons or governmental or business entities mortgage loans and notes anywhere in the State, ~~the restriction as to the area of operation in section 4702 notwithstanding,~~ and may sell mortgages and notes to insurance companies, other financial institutions, persons or governmental or business entities and the Federal Government or any fiduciaries or pension or retirement funds;

Sec. 21. 30-A MRSA §4741, sub-§17, as amended by PL 2015, c. 494, Pt. B, §2, is further amended to read:

17. Comprehensive housing affordability strategy coordinator. The Maine State Housing Authority is designated the comprehensive housing affordability strategy coordinator for the State and has the power to prepare and submit on behalf of the State the annual comprehensive housing affordability strategy called for in the Cranston-Gonzalez National Affordable Housing Act, Public Law 101-625 (1990), as amended, and to undertake all monitoring and certification procedures required under that law. The Maine State Housing Authority shall represent the State in carrying out the HOME Investment Partnerships Program created by the Cranston-Gonzalez National Affordable Housing Act, as amended;

Sec. 22. 30-A MRSA §4752, sub-§2, as amended by PL 2011, c. 691, Pt. B, §27, is repealed.

Sec. 23. 30-A MRSA §4753, sub-§2, as enacted by PL 1989, c. 914, §4, is repealed.

Sec. 24. 30-A MRSA §4754, sub-§3, as enacted by PL 1989, c. 48, §§3 and 31, is amended to read:

3. State-owned property. The Maine State Housing Authority may use surplus state-owned property pursuant to this subchapter ~~and subchapter XI~~ and Title 5, section 1742, subsection 23; to achieve the purpose of this article.

Sec. 25. 30-A MRSA §4755, as enacted by PL 1989, c. 48, §§3 and 31, is amended to read:

§4755. Provide property

The Maine State Housing Authority may provide surplus state property below market value pursuant to this subchapter ~~and subchapter XI~~ and Title 5, section 1742, subsection 23; to any person, firm or organization that agrees to construct, reconstruct or rehabilitate affordable housing for low-income and moderate-income households and maintain this property for this

purpose in a written contract with the Maine State Housing Authority.

Sec. 26. 30-A MRSA §4771, sub-§4, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

Sec. 27. 30-A MRSA §4832, sub-§1, as amended by PL 1989, c. 6; c. 9, §2; c. 48, §§4 and 31; c. 104, Pt. C, §§8 and 10; and c. 581, §10, is further amended to read:

1. Participation requirements. Except as provided in ~~paragraph~~ paragraphs A and B, the Maine State Housing Authority may not participate in the making of construction loans unless a financial institution in the State agrees to participate in the loan at least to the extent of acting as escrow agent. Notwithstanding any other provisions of law, financial institutions in the State may act as required by this subchapter.

A. The Maine State Housing Authority may make construction loans to state public bodies or other public instrumentalities and private nonprofit corporations without the participation of a financial institution.

B. If a project's financing requires that the Maine State Housing Authority participate in the construction loan at a level greater than 60%, the Maine State Housing Authority may make the whole construction loan without using an escrow agent.

Sec. 28. 30-A MRSA §4854, sub-§3, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

3. Gains from investments. Subject to any pledge, contract or other obligation under this section, all interest, dividends and pecuniary gains from the investment of money of the fund; ~~and~~

Sec. 29. 30-A MRSA §4854, sub-§3-A is enacted to read:

3-A. Nonlapsing revolving loan funds. Any funds remaining in a revolving loan fund administered by the Maine State Housing Authority for a period longer than 10 years and directed by the Maine State Housing Authority to be paid into the fund; and

Sec. 30. 30-A MRSA §4863, sub-§5, as enacted by PL 2009, c. 372, Pt. E, §1, is amended to read:

5. Reporting. Not later than March 1, 2011 and March 1st of each year thereafter, the director of the authority shall report to the joint standing committee of the Legislature having jurisdiction over affordable housing matters on the status of the fund as long as there has been new activity since the previous report.

The report must include, but is not limited to, the amount of revenue bonds issued under this subchapter, the type, location and cost of projects receiving bond proceeds, the number of housing units created by each project, the number of direct construction jobs created or maintained by each project, the amount of direct construction wages paid in creating or maintaining those jobs and the total amount of building materials purchased in the development of each project.

Sec. 31. 30-A MRSA §4871, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Negotiable instruments. Whether or not the bonds are of such form and character as to be negotiable instruments under the Uniform Commercial Code, Title 11, article 8 ~~8-A~~, the bonds are hereby made negotiable instruments within the meaning of and for all the purposes of the Uniform Commercial Code, Title 11, article 8 ~~8-A~~, subject only to the provisions of the bonds for registration.

The bonds may be sold at public or private sale. Any provision of any law to the contrary notwithstanding, any bonds issued under this chapter ~~shall be~~ are fully negotiable.

Sec. 32. 30-A MRSA §4912, as amended by PL 1989, c. 501, Pt. DD, §36, is repealed.

Sec. 33. 30-A MRSA §4913, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

Sec. 34. 30-A MRSA c. 201, sub-cc. 9-A and 9-B, as amended, are repealed.

Sec. 35. 30-A MRSA c. 201, sub-c. 11, as amended, is repealed.

Sec. 36. 30-A MRSA §4973, sub-§2, as amended by PL 1993, c. 175, §11, is further amended to read:

2. Right of first refusal. The Maine State Housing Authority has the right of first refusal to purchase the property at its current appraised value, as determined by appraisers for the owner and the authority. The authority holds the right of first refusal throughout the 90-day period. Failure to respond to the notice of first refusal within 90 days constitutes a waiver of that right of first refusal by the authority. By stating in writing its intention to pursue its right of first refusal during the 90-day period, the authority has an additional 90 days, beginning on the date ~~of the termination of the first refusal period~~ the appraised value is determined by the appraisers for the owner and the authority, to buy or to produce a buyer for the property. This additional 90-day period may be extended by mutual agreement between the authority and the owner of the property.

A. Nothing in this section prevents an owner of the property from deciding not to sell, transfer or take other action that would result in termination of the financial assistance and revoking the notice required by subsection 1 at any time before its expiration. The withdrawal or revocation extinguishes any right of first refusal held by the Maine State Housing Authority.

Sec. 37. 30-A MRSA §5002, sub-§§7, 10 and 13, as enacted by PL 1989, c. 601, Pt. B, §4, are repealed.

Sec. 38. 30-A MRSA §5003, as amended by PL 1991, c. 610, §7, is repealed.

Sec. 39. 30-A MRSA c. 202, sub-cc. 2, 3 and 4, as amended, are repealed.

Sec. 40. 30-A MRSA §5047, sub-§1, ¶B, as enacted by PL 2005, c. 380, Pt. A, §2, is amended to read:

B. The Director of the Maine State Housing Authority or the director's designee;

Sec. 41. 30-A MRSA c. 202, sub-c. 6, as amended, is repealed.

Sec. 42. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 30-A, section 4702, subsection 1 takes effect January 1, 2018.

See title page for effective date, unless otherwise indicated.

CHAPTER 235

H.P. 1080 - L.D. 1569

An Act To Revise Certification Statutes for Educational Personnel

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

Sec. 1. 20-A MRSA §6103, as amended by PL 2015, c. 395, §§1 to 3, is further amended to read:

§6103. Criminal history record information conviction data

Beginning July 1, 2000, ~~approval, certification, authorization~~ a credential and renewal under chapters 501 and 502 are subject to the provisions of this section. A person who has complied with the requirements of this section is not required to submit to a subsequent national criminal history record check unless that person has not been continuously employed in a position requiring ~~approval, certification or authorization~~ a credential under chapters 501 and 502. A person who has not been continuously employed in such a

position is subject to a subsequent national criminal history record check upon renewal. School vacations are not a break in employment. ~~Fingerprinting of immediately affected applicants for certification, authorization or renewal, conducting of the needed state and national criminal history record checks by the State Bureau of Identification and forwarding of the results by the bureau to the department must begin on September 1, 1999.~~

1. Criminal history record information obtained; reliance. The commissioner shall obtain criminal history record information containing a record of public criminal history record information as defined in Title 16, section 703, subsection 8 from the Maine Criminal Justice Information System for any person applying for ~~certification, authorization, approval~~ a credential or renewal. The commissioner may rely on information provided by the Maine Criminal Justice Information System within 24 months prior to the issuance of a ~~certificate, authorization, approval~~ credential or renewal.

2. Issuance restriction. Issuance of a ~~certificate, authorization, approval~~ credential or renewal to any person whose criminal history record information includes a criminal conviction is subject to the provisions of Title 5, chapter 341 and section 13020.

3. Confidentiality. Any information obtained pursuant to this section is confidential. The results of criminal history record checks received by the commissioner are for official use only and may not be disseminated outside the department, except that the commissioner may outsource administrative functions of software document management according to federal outsourcing standards as described in 28 Code of Federal Regulations, Section 906.2 (2011) and allow access to these results for that purpose.

3-A. Fees. The Commissioner of Public Safety shall assess a fee set annually by the Commissioner of Education for each initial criminal history record check and a fee set annually by the Commissioner of Education for each renewal criminal history record check required by this section.

4-A. Phase-in plan. The fingerprinting and approval process established by this section for certain classes of individuals must be phased in as follows:

A. The fingerprinting and approval process must be phased in for all persons regularly employed in a school during the 1999-2000 school year who require department approval to continue in their positions and who have not been fingerprinted pursuant to this section prior to enactment of this subsection. The department shall issue each person a temporary approval card valid through a specified year from 2001 to 2004. Prior to July 1st of the year specified on the temporary approval card, the person must meet the require-