

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2008 to March 31, 2008**

**FIRST SPECIAL SESSION**  
**April 1, 2008 to April 18, 2008**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 30, 2008**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 18, 2008**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2008**

the TransCap Trust Fund for the debt service on a bond of up to \$50,000,000.

<b>HIGHWAY FUND</b>	<b>2007-08</b>	<b>2008-09</b>
Capital Expenditures	\$0	(\$5,000,000)
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HIGHWAY FUND TOTAL	\$0	(\$5,000,000)

**Sec. 8. Effective date.** That section of this Act that enacts the Maine Revised Statutes, Title 25, section 1509-A takes effect July 1, 2009.

See title page for effective date, unless otherwise indicated.

**CHAPTER 683  
H.P. 1671 - L.D. 2311**

**An Act To Invest in Maine's  
Young Children**

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

**PART A**

**Sec. A-1. 5 MRSA §12004-J, sub-§16** is enacted to read:

**16.**

Children	Maine Children's Growth Council	Legislative Per Diem and Ex- penses for Legislators and for Certain Members	5 MRSA §24001
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**Sec. A-2. 5 MRSA Pt. 30** is enacted to read:

**PART 30**

**INVESTMENT IN YOUNG CHILDREN**

**CHAPTER 621**

**MAINE CHILDREN'S GROWTH COUNCIL**

**§24001. Maine Children's Growth Council**

**1. Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

- A. "Council" means the Maine Children's Growth Council established in subsection 2.
- B. "Young children" means children from birth through 5 years of age.

**2. Establishment.** The Maine Children's Growth Council, as established in section 12004-J, subsection 16, is created to develop, maintain and evaluate a plan for sustainable social and financial investment in healthy development of the State's young children and their families.

**3. Membership.** The council consists of 27 members who must have a strong interest in early childhood and early care and education and must be influential in their communities:

A. Two members of the Senate, one from each of the 2 political parties having the greatest number of members in the Senate, appointed by the President of the Senate;

B. Two members of the House of Representatives, one from each of the 2 political parties having the greatest number of members in the House, appointed by the Speaker of the House;

C. The Governor or the Governor's designee and the Attorney General or the Attorney General's designee;

D. Three parents, at least one of whom has a young child, one each appointed by the Governor, the President of the Senate and the Speaker of the House;

E. Two persons with experience in public funding and philanthropy, appointed by the President of the Senate;

F. One person representing child abuse and neglect prevention, appointed by the Speaker of the House;

G. One person representing postsecondary education, appointed by the Governor;

H. Eight persons representing statewide, membership or constituent organizations that advance the well-being of young children and their families, nominated by their organizations and appointed by the Governor, of whom:

- (1) Three must represent statewide organizations or associations involved in early care and education programs, child care centers, Head Start programs, family child care providers, resource development centers, programs for school-age children, child development services, physicians and child advocacy;

(2) One must represent a law enforcement organization involved with children;

(3) One must represent an organization that works on community organization and mobilization;

(4) One must represent public health;

(5) One must represent the Maine Economic Growth Council; and

(6) One must represent a labor organization.

I. One person representing a statewide association of business and industry and one person representing a business roundtable on early childhood investment, appointed by the Governor;

J. One member of the public, appointed by the Governor; and

K. Three ex-officio, nonvoting members: the Commissioner of Education or the commissioner's designee, a Department of Health and Human Services employee who works with early childhood programs including Head Start and a person representing the office within the Department of Health and Human Services that is the fiscal agent for the federal grant program for comprehensive early childhood initiatives.

4. Terms of appointment. Except for ex-officio members, members of the council are appointed for terms of 3 years. Members who are Legislators are appointed for the duration of the legislative terms in which they were appointed. Members who are not Legislators may serve beyond their designated terms until their successors are appointed.

5. Cochairs. The Governor shall appoint cochairs for the council.

6. Quorum; meetings. Thirteen members of the council constitute a quorum. The council may meet as often as necessary but shall meet at least 6 times a year. A meeting may be called by a cochair or by any 5 members.

7. Compensation. Members of the council serve without compensation for their services, except that parents appointed under subsection 3, paragraph D who are not reimbursed by another organization may receive mileage reimbursement and a per diem to cover related costs such as child care, and Legislators are entitled to receive the legislative per diem, as defined in Title 3, section 2, and reimbursement for travel and other necessary expenses for attendance at authorized meetings of the council.

8. Staffing; funding. The council may hire staff as necessary for its work and as resources permit. The council may accept grant funding and other funding as may be available for the work of the council. The Department of Health and Human Services shall act as fiscal agent for the council.

9. Logo. The council may develop, adopt and publicize a logo or slogan to identify its work.

#### §24002. Duties

1. Duties. The duties of the council include, but are not limited to:

A. Reviewing and addressing recommendations of legislative studies and advisory committees regarding young children and the Children's Cabinet;

B. Adopting and updating a long-term plan for investment in the healthy development of young children that will achieve sustainable social and financial investment in the healthy development of young children and their families.

(1) In adopting and updating the plan the council shall consult and coordinate with members of the public, the Children's Cabinet, the Department of Education, the Department of Health and Human Services and advocates, community agencies and providers of early care and education and services to children and their families; monitor and evaluate progress in accomplishing the plan's vision, goals and performance indicators and best practice research; and consider the changing economic and demographic conditions and the effect of investments on economic growth and productivity.

(2) The plan must include strategies:

(a) To create and sustain a unified, statewide early childhood services system that provides essential resources for children, shares common standards for quality, respects the diversity and uniqueness of young children and their families, reflects a commitment to sustainable growth, includes family representation, recognizes the importance of child care in sustaining employment for parents and recognizes the value of new forms of cooperation among government, business and society in achieving the goals of the plan; and

(b) For overall investment and prioritization of early childhood and education programs, services and initiatives and to address workforce education and training issues, utilization of community partners across the state and investments in technology and infrastructure; and

C. Reporting by January 15, 2010 and every 2 years thereafter to the Department of Health and Human Services, the Governor, the Children's Cabinet and the Legislature on the activities and accomplishments of the council and its long-term plan for investment in the healthy development of young children, and issuing such other reports as the council determines to be appropriate.

**§24003. Records and meetings**

**1. Public records and meetings.** The records of the council are public records and meetings of the council are public meetings for the purposes of the State's freedom of access laws.

**§24004. Repeal**

This chapter is repealed October 1, 2009.

**Sec. A-3. Initial appointments to the Maine Children's Growth Council.** In making the initial appointments to the Maine Children's Growth Council established pursuant to the Maine Revised Statutes, Title 5, chapter 623, the appointing authorities shall consider for appointment the persons who serve on the Children's Cabinet Task Force on Early Childhood.

**PART B**

**Sec. B-1. 10 MRSA §1026-M, sub-§6, ¶C,** as amended by PL 1999, c. 401, Pt. OOO, §2, is further amended to read:

C. The authority and each corporation shall establish interest rates, amortization schedules and repayment terms for each borrower, except that loans may not be for a term longer than 20 years and:

(1) Loans to a quality child care project ~~may not~~ must bear a rate of interest ~~that, when added to the commitment fee and administrative and technical assistance cost, is less than 6% or exceeds the prime rate of interest equal to 3%, not including any administrative costs or fees;~~ or

(2) Loans to any other eligible borrower may not bear a rate of interest greater than the prime rate of interest plus 7%.

**Sec. B-2. 22 MRSA §262** is enacted to read:

**§262. Home visiting**

**1. Voluntary universal home visiting program.** The department, as permitted by the availability of funds, shall offer a voluntary universal home visiting program for new families with children from the prenatal stage of development through 5 years of age, regardless of family income level. The home visiting program must incorporate the following principles:

- A. Healthy and strong parent-child attachment;
- B. Physical and behavioral health of the family;
- C. Reduced incidence of child abuse and neglect;
- D. Positive and creative learning environments for the child;
- E. Effective and positive parenting;
- F. Parental competencies and self-confidence;

G. Reducing family isolation through community linkages;

H. School readiness; and

I. Family self-sufficiency.

**Sec. B-3. Quality child care education and scholarship program.** The Finance Authority of Maine shall amend rules governing the quality child care education and scholarship program as established by the Maine Revised Statutes, Title 20-A, section 11670 to increase the annual maximum disbursement from \$2,000 to \$3,000. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. B-4. Review of unification of policies governing child care subsidies.** The Department of Health and Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2009 regarding the benefits, cost-effectiveness and effect on families of unifying the policies governing child care subsidies granted by Temporary Assistance to Needy Families and the Office of Child Care and Head Start. The report may include recommendations, and legislation if appropriate, that will encourage the use of high-quality child care providers by families receiving these subsidies.

**Sec. B-5. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

**Maine Children's Growth Council N044**

Initiative: Provides a base allocation in the event that funds are received to fund the work of the Maine Children's Growth Council.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$0	\$500
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<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$500</b>

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

<b>DEPARTMENT TOTALS</b>	<b>2007-08</b>	<b>2008-09</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$500</b>

DEPARTMENT TOTAL - ALL FUNDS	\$0	\$500
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**LEGISLATURE**

**Legislature 0081**

Initiative: Allocates funds for the per diem and expenses of legislative members of the Maine Children's Growth Council.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$0	\$1,320
All Other	\$0	\$1,200
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$2,520

**LEGISLATURE**

DEPARTMENT TOTALS	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS	\$0	\$2,520

DEPARTMENT TOTAL - ALL FUNDS	\$0	\$2,520
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SECTION TOTALS	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS	\$0	\$3,020

SECTION TOTAL - ALL FUNDS	\$0	\$3,020
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See title page for effective date.

**CHAPTER 684**

**H.P. 360 - L.D. 461**

**An Act To Implement the Recommendations of the Human Trafficking Task Force**

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

**PART A**

**Sec. A-1. 17-A MRSA §301, sub-§2,** as amended by PL 2001, c. 383, §26 and affected by §156, is further amended to read:

2. "Restrain" means to restrict substantially the movements of another person without the other person's consent or other lawful authority by:

A. Removing the other person from the other person's residence, or place of business, or from a school; or

B. Moving the other person a substantial distance from the vicinity where the other person is found; or

C. Confining the other person for a substantial period either in the place where the restriction commences or in a place to which the other person has been moved;

D. Destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document or other actual or purported government identification document of the other person; or

E. Using any scheme, plan or pattern intended to cause the other person to believe that if the person does not perform certain labor or services, including prostitution, that the person or another person will suffer serious harm or restraint.

**PART B**

**Sec. B-1. 5 MRSA c. 337-C** is enacted to read:

**CHAPTER 337-C**

**CIVIL REMEDIES FOR HUMAN TRAFFICKING**

**§4701. Remedies for human trafficking**

**1. Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Trafficked person" means a victim of a human trafficking offense.

B. "Criminal proceeding" includes the investigation and prosecution of criminal charges. A criminal proceeding remains pending until final adjudication in the trial court.

C. "Human trafficking offense" means kidnapping or criminal restraint under Title 17-A, section 301 or 302 when the crime involves restraining a person by destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document or other actual or purported government identification document of the other person or using any scheme, plan or pattern intended to cause that person to believe that if the person does not perform certain labor or services, including prostitution, that the person or another person will suffer serious harm or restraint.