

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 2024 to March 21, 2025**

**FIRST SPECIAL SESSION**  
**March 25, 2025 to June 25, 2025**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NONEMERGENCY LAWS IS**  
**JUNE 20, 2025**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NONEMERGENCY LAWS IS**  
**SEPTEMBER 24, 2025**

**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**  
**2025**

agency, the temporary nurse agency shall update the registration in accordance with rules adopted by the department. For purposes of this chapter, unless the context otherwise indicates, "temporary nurse agency" means a business entity or subdivision of a business entity that primarily provides or procures nurses, certified nursing assistants and other qualified staff to another organization on a temporary basis within this State. "Temporary nurse agency" includes an online platform or marketplace that advertises for and assists or facilitates placement of temporary nurses, certified nursing assistants or other qualified staffing in an organization within the State. ~~A temporary~~ "Temporary nurse agency" does not include an agency licensed in this State as a home health care services provider.

**Sec. 2. 22 MRSA §2131, sub-§1-B**, as enacted by PL 2023, c. 434, §2, is amended to read:

**1-B. Employee quality assurance.** A temporary nurse agency shall ensure that each employee the agency assigns or refers to a health care facility for a position meets the state and federal qualification requirements for that position and has the appropriate work experience for that position. A temporary nurse agency shall use the Background Check Center, established in section 9052, for direct access workers, as defined in section 9053, subsection 14. A temporary nurse agency shall maintain a record for each employee that must include documented evidence of credentials and required immunizations and documentation of any orientation, in-service education and completion of training or an educational program required by law. On request, a temporary nurse agency shall make available a record described in this subsection to the department. On request by a health care facility and with justification according to rules adopted by the department, a temporary nurse agency shall provide a record described in this subsection for an employee of that health care facility to that health care facility.

**Sec. 3. 22 MRSA §2131, sub-§4, ¶D** is enacted to read:

D. The department may enter into a consent agreement with an applicant or registrant to resolve any matter arising under this chapter, chapter 417-A, chapter 1691 or a rule adopted by the department without further proceedings. A consent agreement may be entered into pursuant to this paragraph only with the consent of the applicant or registrant, the department and the Office of the Attorney General. Any remedy, penalty or fine that is otherwise available by law, even if only in the jurisdiction of the courts of this State, may be achieved by a consent agreement entered into pursuant to this paragraph.

See title page for effective date.

## CHAPTER 347 S.P. 714 - L.D. 1832

### An Act to Clarify Available Relief for the Protection of At-risk Children

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

**Sec. 1. 4 MRSA §152, sub-§16**, as enacted by PL 2019, c. 366, §3, is amended to read:

**16. At-risk noncitizen ~~children~~; petitions and motions.** Jurisdiction over petitions and motions regarding the protection, well-being, care and custody of unmarried noncitizens ~~18 years of age or older and~~ under 21 years of age pursuant to Title 19-A, section 1511 and Title 22, chapter 1071, subchapter 17.

**Sec. 2. 18-C MRSA §5-104, sub-§1-A**, as enacted by PL 2019, c. 366, §4, is amended to read:

**1-A. At-risk noncitizen ~~petitions children~~; motions.** The court has ~~original~~ jurisdiction over a ~~petition~~ motion regarding the protection, well-being, care and custody of an unmarried noncitizen pursuant to Title 22, chapter 1071, subchapter 17 who has not attained 18 years of age.

**Sec. 3. 19-A MRSA §1511** is enacted to read:

#### **§1511. At-risk noncitizen children**

In a court action under this Title involving parental rights and responsibilities, a court may adjudicate a motion under Title 22, section 4099-I, subsection 9 for special findings for at-risk noncitizen children.

**Sec. 4. 22 MRSA §4099-I**, as enacted by PL 2019, c. 366, §5, is amended to read:

#### **§4099-I. At-risk noncitizen children**

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

A. "At-risk" means there is reasonable cause to suspect that a child's health, safety and welfare ~~is in jeopardy~~ has been affected due to abuse, neglect, abandonment or similar circumstances and that return to the child's or the child's parent's country of ~~origin~~ nationality or country of last habitual residence would not be in the best interest of the child.

B. Notwithstanding section 4002, subsection 2, "child" means an unmarried person who has not attained 21 years of age.

C. "Court" ~~includes~~ or "juvenile court" means any court in the State with jurisdiction to make judicial determinations about the dependency, custody or care of children or parental rights and responsibilities with regard to children, including, but ~~is not~~

limited to, the Probate Court and District Court, ~~or any other state court with juvenile jurisdiction.~~

D. "Dependent on the court" means subject to the jurisdiction of a court competent to make decisions concerning the protection, well-being, care and custody of a child for findings, orders or referrals to support the health, safety and welfare of a child or to remedy the effects on a child of abuse, neglect, abandonment or similar circumstances.

E. "Noncitizen" means any person who is not a United States citizen.

F. "Similar circumstances" means conditions that have an effect on a child comparable to abuse, neglect or abandonment, including, but not limited to, the death of a parent.

**2. Petition for special findings and relief for certain at-risk noncitizen children.** An at-risk noncitizen child may petition the court for special findings and relief. Upon reviewing the petition or complaint seeking special findings and relief, any supporting affidavits and other evidence presented, the court shall order relief to redress the effects of the abuse, neglect, abandonment or similar circumstances, including but not limited to relief under subsection 6, and issue findings of fact and rulings of law that must determine whether the child who is the subject of the proceeding:

- A. Is dependent on the court;
- B. Has suffered from abuse, neglect, abandonment or similar circumstances;
- C. May not be viably reunified with one or both parents due to abuse, neglect, abandonment or similar circumstances; and
- D. May not be returned to the child's or the child's parent's country of ~~origin~~ nationality or country of last habitual residence because it is not in the best interest of the child.

~~A court making a decision under this subsection is acting as a juvenile court in that it has jurisdiction over a child.~~

~~The health and safety of the child must be of paramount concern. When considering the child's health and safety, the court shall consider whether present or past living conditions will adversely affect the child's physical, mental or emotional health.~~

All proceedings and records related to this subsection are confidential and closed to the public. Only the parties to the proceeding, including, but not limited to, the petitioner, the noncitizen child and the child's parents, the attorneys of the petitioner and the noncitizen child and the child's parents, the attorneys' authorized agents and the child's designee, may have access to the proceedings or records.

**2-A. Motion for special findings for at-risk noncitizen children.** In addition to or in lieu of filing a petition for relief under subsection 2, an at-risk noncitizen child may request the court for a special finding to be made in actions under Title 18-C, Title 19-A or this Title or any other action before a juvenile court. When it is in the best interest of the child who is the subject of the proceedings, and upon review of a motion or other request, any supporting affidavits and other evidence presented, the court shall issue findings of fact and rulings of law that must determine whether the child who is the subject of the proceeding:

- A. Is dependent on the court;
- B. Has suffered from abuse, neglect, abandonment or similar circumstances;
- C. May not be viably reunified with one or both parents due to abuse, neglect, abandonment or similar circumstances; and
- D. May not be returned to the child's or the child's parent's country of nationality or country of last habitual residence because it is not in the best interest of the child.

**3. Notice.** If the identity or location of the child's parents is unknown or if the parents reside outside of the United States, the court may serve notice using any alternative method of service the court determines is appropriate or waive service when the child is described in 8 United States Code, Section 1101(a)(27)(J)(2019) and 8 United States Code, Section 1357(h)(2019).

**4. Expeditious adjudication.** A court shall hear, adjudicate and issue findings of fact and rulings of law on any petition ~~or~~ complaint, motion or other request for special findings under this section as soon as it is administratively feasible and prior to the child reaching 21 years of age to serve the best interest of the child.

~~**5. Availability of special findings.** Special findings are available under subsection 2 for the protection, well-being, care and custody of an at-risk noncitizen child for whom a remedy is not otherwise available or appropriate under Title 18-C, Title 19-A or this Title.~~

**6. Referral for services or protection.** A child who is the subject of a petition for special findings under subsection 2 may be referred for psychiatric, psychological, educational, occupational, medical, dental or social services or for protection against human trafficking or domestic violence. Participation in any referred services is voluntary.

~~**7. Additional available remedies; similar findings of fact and rulings of law.** Nothing in this section prevents~~ does not prevent a petitioner from filing a complaint court from ordering relief under Title 18-C, Title 19-A or this Title or for any other remedy available under the laws of this State to protect the at-risk noncitizen child from further abuse or other harm; or to provide support. ~~Nothing in this section prevents~~

~~the court from issuing similar findings of fact and rulings of law to those in subsection 2 in any other proceeding concerning a noncitizen child.~~

**8. Construction.** This section must be liberally construed to promote the best interest of the child.

**9. Reunification not viable.** A finding under this section that reunification is not viable does not require termination of parental rights. Visitation or contact with a parent, including by court order, does not preclude the court from finding that reunification with that parent is not viable due to abuse, neglect, abandonment or similar circumstances.

**10. Juvenile court.** A court that issues a decision pursuant to this subchapter is acting as a juvenile court.

**11. Health and safety.** The health and safety of the child must be of paramount concern to a court issuing a decision pursuant to this subchapter. When considering the child's health and safety, the court shall consider whether present or past living conditions will adversely affect the child's physical, mental or emotional health.

See title page for effective date.

## CHAPTER 348

### S.P. 720 - L.D. 1837

#### An Act to Amend the Laws Affecting Insurance

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

**Sec. 1. 24 MRSA §2320-A, sub-§5** is enacted to read:

**5. No cost-sharing requirements.** A nonprofit hospital and medical care service organization may not impose any cost-sharing requirements on a screening mammogram performed by a provider in accordance with this section. This subsection does not apply to an individual policy offered for use with a health savings account unless the United States Internal Revenue Service determines that the requirements in this subsection are permissible in a high deductible health plan as defined in the United States Internal Revenue Code of 1986, Section 223(c)(2).

**Sec. 2. 24-A MRSA §222, sub-§14, ¶C**, as enacted by PL 1975, c. 356, §1, is amended by amending subparagraph (2) to read:

(2) ~~After notice and hearing impose by order and administrative forfeiture upon such person, enforceable by such revocation, suspension or refusal to issue, renew or reissue of any such license or licenses or otherwise pursuant to the law of this State, in an amount not to ex-~~

~~ceed \$100~~ Impose civil penalties in accordance with section 12-A for each such violation and for each day's continuance thereof;

**Sec. 3. 24-A MRSA §222, sub-§14, ¶C**, as enacted by PL 1975, c. 356, §1, is amended by repealing subparagraph (3).

**Sec. 4. 24-A MRSA §222, sub-§14, ¶C**, as enacted by PL 1975, c. 356, §1, is amended by amending subparagraph (5) to read:

(5) Any or all of the foregoing;

**Sec. 5. 24-A MRSA §222, sub-§14, ¶D** is enacted to read:

D. The superintendent may proceed in a court of competent jurisdiction within or without this State for an injunction to prevent a violation of this section, to reverse or hold invalid any transaction made in violation of this section or in violation of a rule adopted or order issued pursuant to this section, to enforce any order issued pursuant to this section and for other equitable relief as the nature of the case and the interest of the insurer's policyholders, creditors and shareholders or the public may require.

(1) If the superintendent finds probable cause that a violation of this section constitutes grounds provided for the rehabilitation, conservatorship or liquidation of an insurer, the superintendent may initiate a delinquency proceeding under chapter 57.

(2) The Superior Court may, on the application of an insurer or the superintendent:

(a) Enjoin any offer, request, invitation, agreement or acquisition made in contravention of this section or any rule adopted or order issued by the superintendent pursuant to this section;

(b) Enjoin the voting of any security that is the subject of any agreement or arrangement regarding acquisition or that is acquired or to be acquired in contravention of the provisions of this section or of any rule adopted or order issued by the superintendent and, if appropriate, may void any vote of the security already cast at any meeting of shareholders;

(c) Seize or sequester any voting securities of the insurer owned or controlled directly or indirectly by a person who has acquired or is proposing to acquire a voting security of the insurer in violation of this section or any rule adopted or order issued by the superintendent; and