

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.

Augusta, Maine
2025

taken following the issuance of the bind-over order;

(b) The request is made to the Juvenile Court at least 14 days prior to the bind-over hearing or, if the juvenile will not have attained 18 years of age at the time of the hearing, at least 30 days prior to the juvenile attaining 18 years of age; and

(c) Notice of the request is provided by the department to the prosecuting attorney and the attorney for the juvenile.

(2) The Juvenile Court that conducts the bind-over hearing may grant a request made pursuant to subparagraph (1). If the request is made to the Juvenile Court prior to the bind-over hearing, the Juvenile Court shall include its decision in the bind-over order if the State's motion for bind-over is granted. If the juvenile will not have attained 18 years of age at the time of the hearing, and the request is made subsequently, the Juvenile Court shall decide whether to grant the request prior to the juvenile attaining 18 years of age.

(3) The Juvenile Court shall consider the following factors in deciding whether to permit a bound-over juvenile to remain within a juvenile facility pending the return of an indictment:

(a) Whether the juvenile's behavior at the juvenile facility creates a risk of harm to others at the facility;

(b) Whether the juvenile has behavioral health needs that would be better addressed at the juvenile facility; and

(c) Whether the juvenile is engaged in education or treatment programs at the juvenile facility that would be disrupted by detention in the adult section of a jail.

(4) The Juvenile Court shall grant the request made pursuant to subparagraph (1) if it finds, by a preponderance of the evidence, that it would be appropriate for the juvenile to remain in a juvenile facility pending indictment.

(5) If the Juvenile Court grants the request made pursuant to subparagraph (1), the department may at any time request that the Juvenile Court rescind the order if detention at a juvenile facility is no longer appropriate for the juvenile considering the factors described in subparagraph (3).

(6) A person may not be detained in a detention facility approved or operated by the department exclusively for juveniles if the per-

son has attained 18 years of age and an indictment is returned or if the person attains 21 years of age.

See title page for effective date.

CHAPTER 362

H.P. 64 - L.D. 99

An Act to Clarify Information Sharing Between the Department of Health and Human Services and Schools with Respect to Investigations of Child Abuse or Neglect

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

Sec. 1. 20-A MRSA §6101, sub-§3, as amended by PL 1987, c. 620, §2, is amended by enacting at the end a new last blocked paragraph to read:

Records of complaints, charges of misconduct, investigations and disciplinary actions may be provided by the commissioner or the commissioner's designee to the Department of Health and Human Services when an investigation of child abuse or neglect in accordance with Title 22, section 4099-N, subsection 3 is in process.

Sec. 2. 22 MRSA §4099-N, sub-§3, as enacted by PL 2023, c. 248, §4, is amended to read:

3. School personnel. The investigation team may investigate an individual who is licensed or certified, who has applied for licensure or certification or who is subject to licensure or certification by the Department of Education and employed by a school organized under Title 20-A, Part 2.

Sec. 3. 22 MRSA §4099-O, sub-§6 is enacted to read:

6. Disclosure to schools. The investigation team may notify the superintendent of a school administrative unit, the chief administrator of a public school not in a school administrative unit or the chief administrator of a private school when there is an indicated or substantiated finding of out-of-home abuse or neglect against an employee of that school administrative unit, public school not in a school administrative unit or private school. For the purposes of this subsection, "school administrative unit" has the same meaning as in Title 20-A, section 1, subsection 26.

Sec. 4. 22 MRSA §7703, sub-§3, ¶D, as enacted by PL 1983, c. 691, §2, is amended to read:

D. A person having the legal responsibility or authorization to educate, care for, evaluate, treat or supervise a client or recipient of services of the facility. ~~This shall include~~ A person under this paragraph includes a member of a treatment team or

group convened to plan for or treat a person named in a record, ~~provided that~~ as long as the identity of any reference, complainant, reporter of suspected abuse or neglect or other person is protected, when appropriate. A person under this paragraph includes the superintendent of a school administrative unit, the chief administrator of a public school not in a school administrative unit or the chief administrator of a private school;

Sec. 5. 22 MRSA §7703, sub-§5, as enacted by PL 1983, c. 691, §2, is amended to read:

5. Dissemination of confidential information. Information released pursuant to subsections 3 and 4 ~~shall~~ must be used solely for the purpose for which it was provided and ~~shall~~ may not be further disseminated, except as provided in subsection 5-A.

Sec. 6. 22 MRSA §7703, sub-§5-A is enacted to read:

5-A. Dissemination by Department of Education. Reports of suspected child abuse or neglect released in accordance with subsection 4, paragraph G may be disseminated by the Department of Education to the superintendent of a school administrative unit, the chief administrator of a public school not in a school administrative unit or the chief administrator of a private school when neither the department nor the Department of Education is investigating the reports of suspected child abuse or neglect released in accordance with subsection 4, paragraph G or the school administrative unit, public school or private school is determined by the department to be unaware of the information, as long as the identity of or any reference to the complainant or reporter of suspected child abuse or neglect is protected.

See title page for effective date.

CHAPTER 363

S.P. 401 - L.D. 911

An Act to Clarify Procedures for When a Candidate Withdraws from an Election Determined by Ranked-choice Voting or When a Candidate Dies or Becomes Disqualified in an Election Determined by Ranked-choice Voting

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

Sec. 1. 21-A MRSA §1, sub-§27-C, as repealed and replaced by PL 2021, c. 273, §1, is amended by enacting at the end a new first blocked paragraph to read:

If one or more of the candidates who have qualified to be listed on the ballot for a particular office in an election determined by ranked-choice voting die, are disqualified or withdraw less than 70 days before the election, the election remains an election determined by ranked-choice voting regardless of the number of remaining candidates.

Sec. 2. 21-A MRSA §371, sub-§5, as enacted by PL 2019, c. 636, §6, is amended to read:

5. Death or disqualification of candidates less than 70 days before primary election in contested races. The Secretary of State is not required to remove the name of a candidate from the primary election ballot or declare a vacancy if a candidate dies or becomes disqualified less than 70 days before the primary election and another candidate from the same political party will appear on the ballot for that office. Upon receipt of information that the candidate has died or become disqualified, the Secretary of State shall immediately prepare and distribute to the local election officials in the candidate's electoral district a notice informing voters that the candidate has died or become disqualified and that a vote for that candidate will not be counted. The notice must be distributed with all absentee ballots requested after the notice is received by the local election officials and, on election day, must be posted outside the guardrail enclosure in accordance with section 651, subsection 2 and in each voting booth. Notice that the candidate has died or become disqualified must also be posted on the Secretary of State's publicly accessible website. In an election determined by ranked-choice voting, a ranking for a candidate who has died or become disqualified is considered a ranking only for the purpose of determining whether the ballot is exhausted under section 723-A. A candidate who has died or been disqualified cannot be determined the winner. For the purposes of this subsection, "ranking" has the same meaning as in section 723-A, subsection 1, paragraph I.

Sec. 3. 21-A MRSA §371, sub-§6, as enacted by PL 2019, c. 636, §6, is amended to read:

6. Withdrawal of candidates less than 70 days before primary election in contested and uncontested races. When a candidate for nomination withdraws less than 70 days before the primary election, the candidate's name may not be removed from the primary election ballot and a vacancy may not be declared. Upon receipt of the notice of withdrawal, the Secretary of State shall immediately prepare and distribute to the local election officials in the candidate's electoral district a notice informing voters that the candidate has withdrawn and that a vote for that candidate will not be counted. The notice must be distributed with all absentee ballots requested after the notice is received by the local election officials and, on election day, must be posted outside the guardrail enclosure in accordance with section 651, subsection 2 and in each voting booth. Notice of the late withdrawal must also be posted on the