

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-SECOND LEGISLATURE

SECOND REGULAR SESSION
JANUARY 7, 2026 to APRIL 29, 2026

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NONEMERGENCY LAWS IS
JULY 29, 2026

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

Augusta, Maine
2026

GENERAL FUND TOTAL	\$0	\$25,000
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See title page for effective date.

CHAPTER 774

S.P. 628 - L.D. 1544

An Act to Support Families by Improving the Court Process for Child Protection Cases

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

Sec. 1. 22 MRSA §4002, sub-§1-B, ¶C, as enacted by PL 1997, c. 715, Pt. B, §1, is repealed.

Sec. 2. 22 MRSA §4034, sub-§1, as amended by PL 2015, c. 501, §9, is repealed and the following enacted in its place:

1. Request. A petitioner may add to a child protection petition a request for a preliminary protection order or may request a preliminary protection order separately from the child protection petition. A request for a preliminary protection order must be sworn and must include at least the following:

A. A summary of facts to support the request:

B. A detailed summary of how the department weighed the trauma to the child of removal from the child's home against the alleged immediate risk of serious harm to the child and the specific factors the department considered; and

C. The specific services offered and provided under section 4036-B, subsection 3 to prevent the removal of the child from the child's home.

Sec. 3. 22 MRSA §4034, sub-§2, as amended by PL 2001, c. 696, §25, is further amended to read:

2. Order. If the court finds by a preponderance of the evidence presented in the sworn summary or otherwise that there is an immediate risk of serious harm to the child, it may order any disposition under section 4036. In considering whether to grant a preliminary protection order, the court shall consider the trauma to the child of removal from the child's home and whether the department has exhausted the options to mitigate the immediate risk of serious harm to the child and avoid the removal of the child from the child's home. A preliminary protection order automatically expires at the time of the issuing of a final protection order under section 4035 or a judicial review order under section 4038.

Sec. 4. 22 MRSA §4034, sub-§4, as amended by PL 2015, c. 501, §10, is further amended to read:

4. Summary preliminary hearing. The court shall schedule a summary preliminary hearing on a preliminary protection order within 14 days but not less

than 7 days after issuance of the preliminary protection order, except that counsel for a parent may request that the hearing take place sooner. Upon request of counsel, the court may conduct the summary preliminary hearing as expeditiously as the court determines the interests of justice require. If a parent, custodian or legal guardian appears for the summary preliminary hearing and does not consent to the preliminary protection order, the court shall conduct a hearing at which the petitioner bears the burden of proof. At a summary preliminary hearing, the court shall consider the trauma to the child of removal from the child's home in determining whether to continue the preliminary protection order and whether the department has exhausted the options to mitigate the immediate risk of serious harm to the child and avoid the removal of the child from the child's home. The court may limit testimony to the testimony of the caseworker, parent, custodian, legal guardian, guardian ad litem, foster parent, preadoptive parent or relative providing care and may admit evidence, including reports and records, that would otherwise be ~~inadmissible~~ inadmissible as hearsay evidence. If after the hearing the court finds by a preponderance of the evidence that returning the child to the child's custodian would place the child in immediate risk of serious harm, it shall make findings explaining why the risk of harm to the child is outweighed by the trauma of the child's removal from the child's home and that the department has exhausted the options to mitigate the immediate risk of serious harm and avoid the removal of the child from the child's home and continue the order or make another disposition under section 4036. If the court's preliminary protection order includes a finding of an aggravating factor, the court may order the department not to commence reunification or to cease reunification, in which case the court shall conduct a hearing on jeopardy and conduct a permanency planning hearing. The hearings must commence within 30 days of entry of the preliminary protection order.

If the petitioner has not been able to serve a parent, custodian or legal guardian before the scheduled summary preliminary hearing, the parent, custodian or legal guardian may request a subsequent summary preliminary hearing within 10 days after receipt of the petition.

See title page for effective date.

CHAPTER 775

S.P. 871 - L.D. 2150

An Act to Enhance Notice to Individuals Whose Access to State Property Has Been Restricted

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

Sec. 1. 5 MRSA §60 is enacted to read:

§60. Restriction of access to state property or services; restriction of communication with or through entities of the State

1. Entity of the State; definition. As used in this section, "entity of the State" means any office, department, agency, authority, commission, board, institution, hospital or other instrumentality of the State, except that "entity of the State" does not include a public institution of higher education.

2. Notice or communication of restriction. An entity of the State that issues a notice or communication, or a local law enforcement agency that issues a notice or communication on behalf of an entity of the State, that restricts a person from accessing state property or services provided by the State or from communicating with or through the entity to which an otherwise unrestricted person would have access must issue the notice or communication in writing to the restricted person. The written notice or communication must include the factual basis for the entity of the State's decision to restrict the person's access or communication as well as information describing the procedure to challenge the notice or communication. The issuance of a court order does not satisfy the requirements of this subsection.

3. Final agency action. A notice or communication issued pursuant to this section constitutes final agency action for the purposes of review under chapter 375.

4. Copy to Department of Public Safety. An entity of the State other than the Department of Public Safety that issues a written notice or communication pursuant to this section shall send a copy of that notice or communication to the Department of Public Safety.

5. Applicability. This section does not apply to the Department of Corrections with respect to placing restrictions on a resident of a department facility as defined under Title 34-A, section 3015, subsection 1.

Sec. 2. Department of Public Safety; data collection, report. No later than January 15, 2028, the Department of Public Safety shall, within existing resources, submit a report regarding the implementation of the Maine Revised Statutes, Title 5, section 60 to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The report must include at least the following data:

1. The number of notices or communications issued by or on behalf of an entity of the State;
2. The number of notices or communications issued by or on behalf of an entity of the State that were subsequently violated by the person being restricted;
3. A list of the entities of the State that issued notices or communications and the number of notices or communications issued on behalf of each entity;

4. The geographic scope of the impact that the notice or communication issued to the restricted person has on the entity of the State, including whether the notice or communication was issued for a regional office or offices across the State;

5. The final duration of each notice or communication; and

6. The number of notices or communications that were challenged pursuant to Title 5, chapter 375.

The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation based on the findings and recommendations of the report to the Second Regular Session of the 133rd Legislature.

See title page for effective date.