

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

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PUBLIC LAWS
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court, and no judgment, decree or execution shall be a lien thereon; provided that only so much of such property as does not exceed ~~\$3,000~~ \$5,000 in value is exempt. The term "homestead" means a lot of land and the building thereon, owned by the householder, who uses the same as his principal place of abode.

Sec. 6. 14 MRSA § 4553, as repealed and replaced by PL 1973, c. 512, § 4, is amended to read:

§ 4553. Creditors claiming greater value

If the interest of a householder in his homestead exceeds ~~\$3,000~~ \$5,000, it may be subjected to a forced sale. The householder may set off such part thereof which is of a value of ~~\$3,000~~ \$5,000 and designate that portion as exempt from sale. If the householder fails to so designate such portion, the whole of the property shall be sold and the proceeds of said sale shall be distributed as follows:

1. To the householder in the amount of ~~\$3,000~~ \$5,000; and said ~~\$3,000~~ \$5,000 shall remain exempt from attachment and execution by any creditor for a period of one year. At the end of said period, if the ~~\$3,000~~ \$5,000 is not reinvested in property which qualifies for a homestead exemption, the ~~\$3,000~~ \$5,000 shall become subject to attachment and execution;
2. To the creditor attaching or executing on the homestead to the extent of his claim;
3. To the householder, the balance of the proceeds.

Effective October 24, 1977

CHAPTER 454

AN ACT to Establish Long-term Foster Care.

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

Sec. 1. 22 MRSA § 3-B is enacted to read:

§ 3-B. Emergency medical care

Any children's home, licensed under chapter 1663, is authorized to consent to emergency medical treatment for any state ward in residence in the home if payment for this treatment is available under Title 19 of the Social Security Act. Within 24 hours following any emergency treatment, the children's home shall notify the department of the nature of the emergency situation, the emergency treatment which has been given and the need, if any, for further treatment.

Sec. 2. 22 MRSA c. 1061 is enacted to read:

CHAPTER 1061
LONG-TERM FOSTER CARE

§ 3901. Purpose

In order to promote an increased measure of permanence and security for certain children and to provide for a setting as nearly as possible equivalent to that which would be offered by natural or adopted parents, the relationship of long-term foster care is established as one alternative for the placement of children who are within the custody of the State.

It is the intent of the Legislature that a child shall be considered for placement in long-term foster care only if, in the judgment of the department, neither a return to the natural parents nor adoption can be considered as an alternative.

It is further the intent of the Legislature that a placement in long-term foster care is intended to continue until the minor becomes 18 years of age, subject to actions by the court or the department to alter or terminate the placement when in the best interests of the child.

§ 3902. Definitions

Unless the context indicates otherwise, the following words and phrases shall have the following meanings.

1. Department. "Department" shall mean the Department of Human Services.

2. Long-term foster care. "Long-term foster care" shall mean a placement setting for children within the custody of the State in which the State retains custody of the child while delegating to the foster parents, under conditions described in this chapter, the duty and authority to make certain important decisions in matters having a significant effect upon the life and development of the child.

§ 3903. Authority for placement

The department is authorized to place any child within the custody of the State in long-term foster care subject to the following conditions.

1. Initial placement. The child has been placed in foster care for one year prior to consideration for long-term foster care.

2. Return to natural parents. In the judgment of the department, the child cannot be safely returned to the natural parents.

3. Adoption. In the judgment of the department, the child is not likely to be adoptable.

4. Foster parents. The prospective foster parents and the child have expressed a strong interest in long-term foster care and have met standards established by the department for such a placement.

5. Written agreement. A written agreement between the foster parents and the department, intended to provide for the period during which the child remains in long-term foster care, has been completed, which identifies the duty and authority delegated by the department to the foster parents, specifies the rights retained by the department and the natural parents and includes an individual plan for the care of the child. Any foster child 14 years of age or older may participate in the development of the written agreement. The department shall, after consultation with the foster parents, review and, if necessary, revise this plan at least once every 6 months.

§ 3904. Duty and authority delegated by the department

The foster parents of any child in long-term foster care shall have the authority to make the following decisions, subject to the conditions as prescribed in this chapter and any rules and regulations established pursuant to this chapter.

1. Emergency medical treatment. The foster parents shall have the authority to consent to emergency medical treatment if payment for this treatment is available under Title 19 of the Social Security Act. Within 24 hours following any emergency treatment, the foster parents shall notify the department of the nature of the emergency situation, the emergency treatment which has been given and the need, if any, for further treatment.

2. Driver's license. The foster parents shall have the authority to consent to the application for a driver's license if insurance as required by the department has been provided for the child and if, in the judgment of the foster parent, the child has been taught to drive and has the maturity to operate a motor vehicle. The foster parents shall notify the department of any consent to apply for a driver's license within 7 days of the application, along with evidence of any insurance coverage for the child. The foster parents shall notify the department of the successful completion of the driver's examination within 7 days of the examination.

3. Travel outside of the State. The foster parents shall have the authority to permit travel by the child outside of the State. Prior to the date of departure, the foster parents shall notify the department of any absence from the State which may exceed 1 month.

§ 3905. Rights of the department

Except as specifically delegated in this chapter, the department shall retain custody of the child and all rights thereto as provided by court order, statute or administrative rule.

§ 3906. Rules and regulations

The department shall establish rules and regulations for long-term foster care placements. These rules and regulations shall include, among other

factors, standards for settings appropriate for long-term foster care and supervision of these settings, procedures for selecting children and foster parents, and methods of establishing and reviewing individual plans.

Prior to the promulgation of any rules and regulations, the department shall hold a public hearing of which at least 7-days' notice has been given in the appropriate newspapers throughout the State. Any rules and regulations shall be effective only after a 60-day public review period following the public hearing. They may be amended or repealed at any time by the department after like notice, hearing and publication of the portions amended or repealed.

Notwithstanding the foregoing paragraph, whenever the department reasonably determines that the public safety, health or welfare is threatened, emergency regulations may be issued and published which shall be effective immediately without a hearing or prior publications, provided that thereafter a public hearing is held as provided in this section. Such emergency regulations shall be effective for not more than 90 days after issuance.

Effective October 24, 1977

CHAPTER 455

AN ACT to Encourage Restitution.

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

Sec. 1. 17-A MRSA § 1152, sub-§ 2-A, is enacted to read:

2-A. Every natural person convicted of a crime may be required to make restitution as authorized by chapter 54. Subject to the limitations of chapter 54, restitution may be imposed as a condition of probation or may be imposed in addition to a sentence authorized by chapter 51 or to a fine authorized by chapter 53.

Sec. 2. 17-A MRSA § 1204, sub-§ 2-A, ¶ B, as enacted by PL 1975, c. 499, § 1, is repealed and the following enacted in its place:

B. To make restitution pursuant to chapter 54 to each victim of his crime, or to the county where the offense is prosecuted if the identity of the victim cannot be ascertained or if the victim voluntarily refuses the restitution.

Sec. 3. 17-A MRSA c. 54 is enacted to read:

CHAPTER 54

RESTITUTION