

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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

J.S. McCarthy Company
Augusta, Maine
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D. Attending a public or private school while still a resident of a state-operated institution; or

E. In the custody or under the supervision of the Department of Corrections, including, but not limited to, a juvenile on conditional release, an informally adjusted juvenile, a probationer or a juvenile on aftercare status from the Maine Youth Center and who is placed, for reasons other than educational reasons, pursuant to a court order or with the agreement of an authorized agent of the Department of Corrections, outside the juvenile's home.

Notwithstanding paragraphs A to ~~D~~ E, a "state agency client" may in addition be either a child who is under 3 years of age and has a diagnosed, established condition or a biological factor that has a high probability of resulting in developmental delay or a child who is under 6 years of age and in need of early intervention of special education services due to a delay in one or more of the following areas: cognitive development; physical development, including vision and hearing; communication development; social or emotional development; and adaptive development.

Sec. 2. 20-A MRSA §5205, sub-§3, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

3. Students placed by state agencies. A student who is placed by a state agency, ~~child placement agency or parent in a nonfamily foster home in a residential placement other than a residential treatment center, as defined in section 1, subsection 24-A, paragraph D, subparagraph 3, shall be is~~ considered a resident of the school administrative unit where the ~~foster home residential placement is located, if:~~

~~A. The state agency, child placement agency or parent proves to the school administrative unit's satisfaction that the costs of educating that student will be paid to the school administrative unit in the year they are incurred; and~~

~~B. The school administrative unit has agreed to accept tuition students under this Title.~~

Sec. 3. 20-A MRSA §15604, sub-§1, ¶C, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

C. Special education tuition and board, excluding medical costs, defined as follows:

- (1) Tuition and board for pupils placed by school administrative units;
- (2) Tuition and board for pupils placed directly by the State in accordance with rules adopted or amended by the commissioner;

(3) Special education tuition and other tuition for institutional residents of state-operated institutions attending programs in school administrative units or private schools in accordance with rules adopted or amended by the commissioner; and

(4) Adjustments under section 15612, subsection 6;

Sec. 4. 20-A MRSA §15607, sub-§9, ¶B, as amended by PL 1989, c. 875, Pt. E, §28, is further amended to read:

B. Special educational tuition and other tuition for residents of state-operated institutions attending programs in school administrative units or private schools in accordance with rules adopted or amended by the commissioner.

Sec. 5. 20-A MRSA §15613, sub-§6, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

6. Education of institutional residents. The commissioner may pay tuition to school administrative units or private schools for institutional residents within the limits of the appropriation made under section 15607, subsection 12.

See title page for effective date.

CHAPTER 327

H.P. 14 - L.D. 39

An Act to Clarify the Authority of County Commissioners to Close Roads for Winter in the Unorganized Territories

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

Sec. 1. 23 MRSA §2051, as amended by PL 1975, c. 711, §1, is repealed and the following enacted in its place:

§2051. Power of commissioners

1. Layout, maintenance and discontinuance of roads in unorganized areas. County commissioners may lay out, alter, close for maintenance or discontinue highways within the unorganized areas of their counties and grade hills in such a highway. The county commissioners may close a county road for maintenance and preserve the right-of-way for the use of abutting landowners, any others using that way for access to their property and public utilities and corporations with facilities legally located within that

way, at their own risk. At a regular session of the commissioners, responsible persons may present a written petition describing a way and stating that the location, alteration, grading or closing for maintenance or discontinuance of that way, in whole or in part, or an alternative action, is desired. The commissioners may act upon the petition, conforming substantially to the description without adhering strictly to its bounds.

2. Closing roads in unorganized areas for the winter. The county commissioners may close any county road in the unorganized areas of their county under the same conditions and following the same procedure established in section 2953, subsections 1 to 4 for the closure of roads in municipalities by the municipal officers, except that the county commissioners approve the order closing a road and may annul, alter or modify any such order. A copy of the order must be filed with the county clerk or county administrator. Any person may appeal from a decision of the county commissioners to close a county road for the winter in the same manner as provided in Title 17, section 2852.

See title page for effective date.

CHAPTER 328

H.P. 1182 - L.D. 1673

An Act to Amend the Child and Family Services and Child Protection Act

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

Sec. 1. 22 MRSA §4008-A is enacted to read:

§4008-A. Child abuse and neglect investigations; disclosure

1. Disclosure permitted. Notwithstanding any other provision of law, the commissioner, with the advice of the Attorney General, may disclose information as set forth in this section regarding the abuse or neglect of a child and the investigation of and any services related to the abuse and neglect if the commissioner determines that such disclosure is not contrary to the best interests of the child, the child's siblings or other children in the household and any one of the following factors is present:

A. The alleged perpetrator of the abuse or neglect has been charged with committing a crime related to the allegation of abuse or neglect maintained by the department;

B. A judge, a law enforcement agency official, a district attorney or another state or local investigative agency or official has publicly disclosed, as required by law in the performance of official duties, the provision of child welfare services or the investigation by child welfare services of the abuse or neglect of the child;

C. An individual who is the parent, custodian or guardian of the victim or a child victim over 14 years of age has made a prior knowing, voluntary, public disclosure; or

D. The child named in the report has died.

2. Information. For the purposes of this section, the following information may be disclosed:

A. The name and age of the abused or neglected child. If the child is under 13 years of age, the guardian ad litem must agree with the commissioner to release the information. If the child is 13 years of age or older, the guardian ad litem and the child must agree with the commissioner to release the information;

B. The determination by the local child protective service or the state agency that investigated the alleged abuse or neglect and the findings of the applicable investigating agency upon which the determination was based;

C. Identification of child protective or other services provided or actions, if any, taken regarding the child and the child's family;

D. Whether any report of abuse or neglect regarding the child has been substantiated as maintained by the department;

E. Any actions taken by child protective services in response to reports of abuse or neglect of the child to the department, including, but not limited to, actions taken after every report of abuse or neglect of the child and the dates of the reports;

F. Whether the child or the child's family has received care or services from the child welfare services prior to every report of abuse or neglect of the child; and

G. Any extraordinary or pertinent information concerning the circumstances of the abuse or neglect of the child and the investigation of the abuse or neglect, if the commissioner determines the disclosure is consistent with the public interest.

3. Limitations. The following limitations apply to information disclosed pursuant to this section.