

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

**§2171-D. Advisory referendum**

Unless a majority of the secession territory representatives withdraws support for secession by filing written notice of such withdrawal with the municipal officers, the municipality shall conduct an advisory referendum within the secession territory. The referendum must be held at least 30 days but not more than 120 days after the initial public hearing and must be conducted pursuant to Title 21-A, chapter 9, subchapter I, article II and subchapter II. The question at the referendum must be:

"Do you favor secession of the territory described below from the municipality of \_\_\_\_\_?"  
(description of secession territory)

The municipal officers may hold a separate advisory referendum in the municipality outside the secession territory at the same time with the same question, provided that the vote totals are kept and reported separately.

**§2171-E. Vote of municipal officers**

Following the advisory referendum, the municipal officers shall take a recorded vote on whether to support the secession request. If a majority of the officers approves the request and more than 50% of the registered voters in the secession territory voting at the advisory referendum pursuant to section 2171-D favor secession, legislation requesting secession may be submitted to the Legislature with the information required in section 2172.

**§2171-F. Resolving conflicts; selecting mediator**

If the vote of the municipal officers and the advisory referendum are in conflict, the municipal officers and the secession territory representatives shall meet to attempt to resolve issues related to the secession. If the municipal officers and secession territory representatives do not reach agreement on all issues within a reasonable amount of time, an independent 3rd-party mediator must be retained and the costs shared by the municipality and the secession representatives. The mediator must be knowledgeable in municipal management and municipal law as well as conflict resolution.

If the municipal officers and secession territory representatives can not select a mutually agreed upon and qualified mediator within 30 days of reaching impasse on secession issues, the parties must petition the Court Alternative Dispute Resolution Service, created in Title 4, section 18-B, for mediation services. The Court Alternative Dispute Resolution Service shall:

1. Mediator assignment. Assign a mediator who is knowledgeable in municipal management and municipal law;

2. Fee. Establish a fee for services in an amount not to exceed \$175 for every 4 hours of mediation services provided;

3. Mediation schedule; notice. Establish the mediation schedule, ensure that proper notice is provided to all parties and ensure that the parties necessary for effective mediation are participating; and

4. Mediation report. Upon the completion of the mediation effort, file a written report with the joint standing committee of the Legislature having jurisdiction over state and local government matters. The report must provide the details of the mediation effort and any mediated agreement. In the event that the mediation effort does not result in the resolution of all issues, the mediation report must indicate to the extent possible what issues remain unresolved and why the parties failed to reach a mutually agreeable resolution of the dispute.

**§2171-G. Submission of dispute to the Legislature**

If the parties have not reached agreement on all issues within 6 months after beginning discussions, the matter may be submitted to the Legislature. The Legislature may consider the information submitted pursuant to section 2172 in making its decision.

**Sec. 3. 30-A MRSA §2172, sub-§1,** as repealed and replaced by PL 1997, c. 699, §4, is amended to read:

**1. Report on attempts to resolve differences.** ~~As required in section 2173, a~~ report on attempts by the secession territory to resolve concerns that have caused the desire to secede from the municipality. If a neutral 3rd party was involved in the attempt to resolve concerns through alternative dispute resolution methods such as mediation, facilitation or arbitration, the territory must also submit a report from the neutral 3rd party;

**Sec. 4. 30-A MRSA §2173,** as enacted by PL 1997, c. 699, §5, is repealed.

See title page for effective date.

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## CHAPTER 382

H.P. 886 - L.D. 1243

### An Act to Strengthen the Kinship Laws

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

Sec. 1. 22 MRSA §4062, sub-§4 is enacted to read:

4. Kinship preference. In the residential placement of a child, the department shall consider giving preference to an adult relative over a nonrelated caregiver when determining placement for a child, as long as the related caregiver meets all relevant state child protection standards.

See title page for effective date.

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## CHAPTER 383

S.P. 433 - L.D. 1270

### An Act to Provide Child Care Subsidies for Families Who Lose Coverage under the Temporary Assistance to Needy Families Program

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

Sec. 1. 22 MRSA §3762, sub-§8, ¶C, as enacted by PL 1997, c. 530, Pt. A, §16, is amended to read:

C. The department shall make available transitional child care services to families who lose eligibility for TANF as a result of increased earnings or an increase in the number of hours worked and whose gross income is equal to or less than 85% of the State's median income for a family of comparable size. The department may also make transitional child care services available to families in which one or both adults are working and who, although they remain financially eligible for TANF benefits, request that their benefits be terminated. The family shall pay a premium of 2% to 10% of gross income, based on the family's gross income compared to the federal poverty level in accordance with rules adopted by the department. The department shall establish maximum rates for child care that are at least equal to the 75th percentile of local market rates for various categories of child care and higher rates for children with special needs. Parents must have a choice of child care within the rate established by the department.

See title page for effective date.

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## CHAPTER 384

H.P. 1410 - L.D. 2015

### An Act to Amend the Health Care Receivership Laws

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

Sec. 1. 22 MRSA §7912-A, sub-§§1 and 2, as amended by PL 1997, c. 728, §11, are further amended to read:

1. **General requirements.** The Department of Human Services may permit up to 2 beds in the facility for nonambulatory or mobile nonambulatory residents if the following conditions are met.

A. The facility conforms to the residential board and care occupancy section for small facilities of the National Fire Protection Association Life Safety Code, ~~chapter 21~~, as adopted by the Commissioner of Public Safety. If there is Facilities with 5 or more beds must be provided with an interconnected smoke detection system and a direct exit from the bedroom, the requirement for construction type or a sprinkler system may be waived must be protected throughout by an approved automatic sprinkler system.

B. There are no more than 2 mobile nonambulatory or one nonambulatory and one mobile nonambulatory residents. Any facility housing more than one nonambulatory resident must meet the requirements of subsection 2.

C. All nonambulatory and mobile nonambulatory residents must be housed on the first floor of the facility ~~with direct egress to a common corridor with 2 exits leading directly to the exterior of the facility.~~

D. Facilities ~~with 7 or 8 beds must be ramped to grade at both exits referred to in paragraph C.~~ Facilities with 6 or fewer beds must be ramped to grade at one exit. ~~Facilities with 6 or fewer beds with a nonambulatory resident must be ramped to grade at both exits.~~

E. There must be at least one staff person available on the premises of the facility when any resident is present. Additional staff may be required at night at the direction of the Commissioner of Public Safety.

F. ~~If a facility with 7 or 8 beds is of new construction, any doorway in the path of egress for a nonambulatory or mobile nonambulatory resident must be at least 36 inches in width. If the facility is of existing construction, any doorway~~