

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

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NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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

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Sec. 10. 19-A MRSA §2152, sub-§12 is enacted to read:

12. Admissible evidence. If a person, in response to a request for information pursuant to this section, provides records or data from regularly conducted business, the information is admissible as a public record pursuant to the Maine Rules of Evidence 803(8)(A) and is not within the investigative report exception found in the Maine Rules of Evidence 803(8)(B) because the information is provided pursuant to a duty imposed by law and is inherently reliable.

Sec. 11. 19-A MRSA §2301, sub-§4, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

4. Interstate cooperation. ~~A payment of public assistance by another state for the benefit of a dependent child located within that state creates a debt due that state from a responsible parent in the amount of the public assistance paid.~~ With the execution of an application for nonwelfare services between a state and a resident of that state, the state may request the department to enforce or collect any unpaid support debt belonging to the applicant. Upon written request by a state to the department, the department may attempt to collect either the welfare or nonwelfare debt by action under any appropriate laws, including, but not limited to, remedies established by this article.

Sec. 12. 19-A MRSA §2304, first ¶, as amended by PL 1997, c. 466, §17 and affected by §28, is further amended to read:

When a support order has not been established, the department may establish the responsible parent's current parental support obligation pursuant to chapter 63, establish the responsible parent's debt for past support, including medical expenses, and establish the responsible parent's obligation to maintain health insurance coverage for each dependent child or to pay a proportionate share of health insurance premiums. The department may proceed on its own behalf or on behalf of another state or another state's instrumentality, an individual or governmental applicant for services under section 2103 or a person entitled by federal law to support enforcement services as a former recipient of public assistance. The department acting on behalf of another state, another state's instrumentality or a person residing in another state constitutes good cause within the meaning of Title 5, section 9057, subsection 5. Notwithstanding any other provision of law, a parental support obligation established under this section continues beyond the child's 18th birthday, if the child is attending secondary school as defined in Title 20-A, section 1, until the child graduates, withdraws, is expelled or attains 19 years of age, whichever occurs first. For purposes of

this section, "debt for past support" includes a debt owed to the department under section 2301, subsection 1, paragraph A, a debt owed under section 2103 and a debt that accrues under sections 1504 and 1554.

Sec. 13. 19-A MRSA §2369, first ¶, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

The receipt of public assistance for a child constitutes an assignment by the recipient to the department of all rights to support for the child and spousal support, including any support unpaid at the time of assignment, as long as public assistance is paid.

See title page for effective date.

CHAPTER 265

S.P. 492 - L.D. 1581

An Act to Allow the Department of Human Services Abuse and Neglect Investigators Access to Certain Baxter School for the Deaf Records

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

Sec. 1. 22 MRSA §4088, sub-§1, ¶C, as enacted by PL 1989, c. 400, §9, is amended to read:

C. "License" ~~shall be defined in accordance with has the same meaning as in~~ Title 5, section 8002; ~~and shall include~~ includes approval and registration. With respect to persons licensed by the Department of Education, "license" means certify, authorize or approve.

Sec. 2. 22 MRSA §4088, sub-§1, ¶D-1 is enacted to read:

D-1. "Service center" means the Community Services Center established in section 6-C.

Sec. 3. 22 MRSA §4088, sub-§3, ¶¶B to G, as enacted by PL 1989, c. 400, §9, are amended to read:

B. Shall investigate all reports received by the department or service center regarding alleged out-of-home abuse and neglect occurring in facilities or by persons subject to licensure ~~by the department~~ pursuant to this Title;

C. Shall conduct a single investigation sufficient to determine not only if abuse or neglect has occurred but also to determine whether a licensing violation has occurred in order to protect children from further harm and establish a basis upon which to take licensing action. This procedure

minimizes duplicative or redundant investigations to the extent possible in response to the same or related allegations of out-of-home abuse or neglect in facilities or by persons subject to licensure by the department pursuant to this Title;

D. Shall coordinate and consult with the bureau or service center staff performing general licensing functions to eliminate duplicative or redundant investigations to the extent possible and to prevent, correct or eliminate the abuse or neglect or threat of abuse or neglect in out-of-home settings;

E. Shall provide the results of the investigation to the bureau's, service center's or other department's licensing staff for appropriate action;

F. Shall include relevant professionals outside the department or service center as members of the team for all investigations of residential treatment centers, group homes or day care centers mandated by this subchapter and for other child care facilities as warranted;

G. When a report alleges out-of-home abuse and neglect in facilities or by persons not subject to licensure by the department or service center, shall immediately refer the report to the service center or agency or department charged with the responsibility to investigate such a report or, if applicable, to the state department operating the facility;

Sec. 4. 22 MRSA §4088, sub-§7 is enacted to read:

7. Access to records related to Governor Baxter School for the Deaf. Notwithstanding Title 20-A, section 6101, subsection 2, when the team is conducting an investigation of a person at the Governor Baxter School for the Deaf who is subject to licensure by the Department of Education, the Governor Baxter School for the Deaf and the Department of Education shall disclose to the team records related to:

A. Background checks related to the person;

B. The person's credentials;

C. Any conduct on the part of the person related to the allegation; and

D. Any action taken by the Governor Baxter School for the Deaf or the Department of Education in response to conduct of any person at the Governor Baxter School for the Deaf that is similar to the allegation.

See title page for effective date.

CHAPTER 266

S.P. 291 - L.D. 1002

An Act Regarding Nursery School Rules

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

Sec. 1. 22 MRSA §8402, sub-§3-A is enacted to read:

3-A. Rules. The department shall establish routine technical rules pursuant to Title 5, chapter 375, subchapter II-A for the safe operation of nursery schools. These rules must be reasonably related to the health and safety of children cared for in nursery schools.

See title page for effective date.

CHAPTER 267

S.P. 431 - L.D. 1411

An Act to Protect Highway Travelers and Maine's Highway System by Increasing Fines on Excessively Loaded Trucks

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

Sec. 1. 29-A MRSA §2354, sub-§2, as amended by PL 1999, c. 580, §7 and affected by §14, is further amended to read:

2. 100,000 pounds. One hundred thousand pounds, as long as the vehicle meets these requirements:

A. The distance between the extreme axles, excluding the steering axle, is not less than 36 feet as measured to the nearest foot. The maximum gross vehicle weight permitted is reduced by 2,000 pounds for each foot the distance is less than 36 feet between the extreme axles, excluding the steering axle, measured to the nearest foot; ~~and~~

B. The minimum distance between the steering axle and the first axle of the tandem-axle group is at least 10 feet as measured to the nearest foot; ~~and~~

C. The maximum weight on the:

(1) Tandem axle does not exceed 41,000 pounds; and