

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

B. An employee of the Maine Technical College System hired on or after August 31, 1998 or on or after the last day of the month in which authorization pursuant to subsection 1 occurs, whichever is later, and who elected to participate in the defined contribution plan may elect to terminate participation in the defined contribution plan and to participate in the Maine State Retirement System by notifying the Maine State Retirement System in writing no later than January 1, 2003.

(1) An employee of the Maine Technical College System electing the option provided in this paragraph may also elect to purchase service credit under the Maine State Retirement System for all or part of the time that the employee participated in the defined contribution plan. The election must be made in writing to the Maine State Retirement System no later than January 1, 2003. Purchase of service credit under this subparagraph consists of payment of an amount that, together with regular interest as defined in Title 5, section 17001, subsection 31 on that amount, is the actuarial equivalent, at the effective date of the retirement benefit, of the portion of the retirement benefit based on the additional creditable service.

C. Payment to the Maine State Retirement System under this subsection may be made by single direct payment or annual direct payments to the Members' Contribution Fund and must be made before any retirement benefit from the Maine State Retirement System becomes effective for that person. Annual direct payments under this paragraph must be made as provided in Title 5, section 17701, subsection 4.

See title page for effective date.

CHAPTER 546

H.P. 1507 - L.D. 2010

An Act to Amend the Laws Governing Background Checks on Prospective Adoptive Parents

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

Sec. 1. 18-A MRSA §9-304, sub-§(a-1), as corrected by RR 2001, c. 1, §21, is amended to read:

(a-1) Upon the filing of a petition for adoption of a minor child, the court shall request a background check and shall direct the department or a licensed

child-placing agency to conduct a study and make a report to the court.

(1) The study must include an investigation of the conditions and antecedents of the child to determine whether the child is a proper subject for adoption and whether the proposed home is suitable for the child. The department or licensed child-placing agency shall submit the report to the court within 60 days.

(i) If the court has a report that provides sufficient, current information, the court may waive the requirement of a study and report.

(ii) If the petitioner is a blood relative of the child, the court may waive the requirement of a study and report.

(2) The court shall request a background check for each prospective adoptive parent who is not the biological parent of the child. The background check must include a screening for child abuse cases in the records of the department and criminal history record information obtained from the Maine Criminal Justice Information System and the Federal Bureau of Investigation.

(i) The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of Maine conviction data.

(ii) The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information.

(iii) Each prospective parent who is not the biological parent of the child shall submit to having fingerprints taken. The State Police, upon receipt of the fingerprint card, may charge the court for the expenses incurred in processing state and national criminal history record checks. The State Police shall take or cause to be taken the applicant's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police for purposes of this paragraph must be paid over to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety.

(iv) The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 620.

(v) State and federal criminal history record information may be used by the court for the purpose of screening prospective adoptive parents in determining whether the adoption is in the best interests of the child.

(vi) Information obtained pursuant to this paragraph is confidential. The results of background checks received by the court are for official use only and may not be disseminated outside the court except as required under Title 22, section 4011-A.

(vii) The expense of obtaining the information required by this paragraph is incorporated in the adoption filing fee established in section 9-301. The Probate Court shall collect the total fee and transfer the appropriate funds to the Department of Public Safety and the department.

The court may waive the background check of a prospective adoptive parent if a previous background check was completed under this subsection within a reasonable period of time and the court is satisfied that nothing new that would be included in the background check has transpired since the last background check.

This subsection does not authorize the court to request a background check for the biological parent who is also the current legal parent of the child.

See title page for effective date.

CHAPTER 547

S.P. 664 - L.D. 1855

An Act to Clarify the Regulatory Authority of the Maine Forest Service Regarding Forestry-related Quarantines

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

Sec. 1. 12 MRSA §8306 is enacted to read:

§8306. Authority to quarantine and destroy pest host material

1. Quarantines. The director may establish by rule a quarantine to restrict or prohibit the transportation within, into or from the State or any portion of the State of any forest or shade tree or part of any forest or shade tree, including, but not limited to, logs, bark, branches, seeds or scion material, or alternate host materials capable of supporting a disease or insect infestation when the following conditions are met:

A. The director finds that there exists within the State or in any other state, country or province a plant disease caused by a plant pathogen not native to the State or an infestation of insects not native to the State that, in the opinion of the director, is likely to kill or seriously injure forest or shade trees in large numbers; and

B. A quarantine to protect against the plant disease or insect infestation has not been established by the Commissioner of Agriculture, Food and Rural Resources or the Secretary of Agriculture of the United States or is not in effect.

2. Rulemaking. The director shall adopt rules to establish:

A. Quarantines as needed and authorized under subsection 1; and

B. A process for the seizure, inspection, destruction or other disposition of any forest or shade tree or any material that exists within the State and is host to a plant pathogen or insect that is the subject of a quarantine or is transported into the State in violation of a quarantine established by the director, the Commissioner of Agriculture, Food and Rural Resources or the Secretary of Agriculture of the United States.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

3. Salvage of condemned material. Prior to ordering the destruction of forest or shade trees or parts of forest or shade trees, the director shall consult with the landowner and the person owning stumpage rights to determine if there are methods of destruction that allow recovery of the value or a portion of the value of the condemned material and effectively safeguard the forest resource.

See title page for effective date.
