

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 13, 2002 to November 14, 2002**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 2002 to June 14, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**FEBRUARY 13, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 13, 2003**

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

---

---

**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

SECRETARY OF STATE, DEPARTMENT OF THE  
Administration - Motor Vehicles 0077

Initiative: Allocates funds on a one-time basis for the costs of revising the Bureau of Motor Vehicles' automated system to accommodate the registration of low-speed vehicles.

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	\$5,000	\$0
Highway Fund Total	\$5,000	\$0

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 3, 2003.

**CHAPTER 398**

**S.P. 418 - L.D. 1287**

**An Act To Amend the Life Safety Requirements for Residential Care Facilities**

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** under current law and Life Safety Code provisions, the continued operation of smaller residential care facilities whose residents have prompt evacuation capability is in jeopardy; and

**Whereas,** amendment of the Life Safety Code requirements for smaller residential care facilities whose residents have prompt evacuation capability is necessary to enable those facilities to continue to serve their communities; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 22 MRSA §7855, sub-§4,** as enacted by PL 2001, c. 596, Pt. A, §1 and affected by Pt. B, §25, is amended to read:

**4. Requirements for residential care facilities.** Residential care facilities must comply with the following provisions chapters of the National Fire Protection Association Life Safety Code relating to new and existing residential board and care occupan-

cies adopted by the Department Commissioner of Public Safety, Office of the State Fire Marshal. Residential care facilities must comply as follows.

A. A residential care facility that has one to 3 beds must comply with the one-family and 2-family dwelling chapter of the Life Safety Code.

A-1. A residential care facility with 4 to 6 beds whose residents have prompt evacuation capability, as defined in the Life Safety Code, must comply with the one-family and 2-family dwellings chapter of the Life Safety Code if that residential care facility was licensed under that chapter prior to October 1, 2002.

B. ~~A~~ Except as provided in paragraph A-1, a residential care facility with 4 to 16 beds must comply with the sections of the Life Safety Code that apply to small facilities and with the chapter relating to new residential board and care occupancy chapter if that facility is a new facility that was constructed on or after July 25, 2002 or with the existing residential board and care occupancy chapter if that facility is an existing facility was licensed before July 25, 2002.

C. A residential care facility with more than 16 beds must comply with the sections of the Life Safety Code that apply to large facilities and with the chapter relating to new residential board and care occupancy chapter if that facility is a new facility constructed on or after July 25, 2002 or with the chapter relating to existing residential board and care occupancy chapter if that facility is an existing facility was licensed before July 25, 2002.

D. Notwithstanding any other provision of law or rule a residential care facility with 4 or fewer beds is not required to obtain certification from a design specialist to satisfy the requirements of this section or Title 5, section 4594-F.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 3, 2003.

**CHAPTER 399**

**H.P. 968 - L.D. 1314**

**An Act To Improve Out-of-home Abuse and Neglect Investigations**

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

**Sec. 1. 22 MRSA §4088, sub-§1, ¶D**, as amended by PL 1989, c. 700, Pt. A, §90, PL 1995, c. 560, Pt. K, §82 and affected by §83 and as amended by PL 2001, c. 354, §3, is further amended to read:

D. "Out-of-home abuse and neglect" means abuse and neglect of a child ~~which~~ that occurs in a facility or by a person subject to licensure or inspection by ~~this~~ the department, the Department of Education, the Department of Corrections ~~and~~ or the Department of Behavioral and Developmental Services or in a facility operated by any of these departments.

**Sec. 2. 22 MRSA §4088, sub-§1, ¶D-1**, as enacted by PL 2001, c. 265, §2, is amended to read:

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

**Sec. 3. 22 MRSA §4088, sub-§3**, as amended by PL 2001, c. 265, §3 and c. 354, §3, is further amended to read:

**3. Authority and responsibility.** The team ~~shall have~~ has the following authority and responsibilities regarding investigation of out-of-home abuse and neglect. The team:

A. ~~Shall receive~~ Receives all reports of out-of-home abuse and neglect. When a report of out-of-home abuse and neglect alleges jeopardy, as defined in section 4002, to a child in a residential care facility, the team shall initiate an investigation within 72 hours or request a safety plan from the facility. When a report of alleged out-of-home abuse and neglect in a residential care facility is received, the team shall use the facility's name as the identifier;

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

D. Shall coordinate and consult with the bureau or ~~service services~~ center staff performing gen-

eral 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~~ bureau, services center or another department for appropriate action. The team shall complete the investigation within a time frame not to exceed 6 months from the date of the initiation of the investigation, except in circumstances when the information necessary to complete the investigation is unavailable to the team;

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 services~~ center, shall immediately refer the report to the ~~service services~~ center or agency or department charged with the responsibility to investigate such a report or, if applicable, to the state department operating the facility;

H. With respect to reports described in paragraph G, may, on its own initiative or upon request of another department or agency charged with the responsibility to investigate, participate in the out-of-home abuse and neglect investigation of persons or facilities subject to licensure or operated by the Department of Education, the Department of Corrections or the Department of Behavioral and Developmental Services;

I. Shall refer to the office of the district attorney or office of the Attorney General, when appropriate, any case in which criminal activity is alleged and shall coordinate its investigation with that office to minimize the trauma to the children involved; ~~and~~

J. Shall consult and train law enforcement personnel, advocates and others in the identification, reporting, prevention and investigation of out-of-home abuse and neglect as time allows; and

K. Shall state in the investigative report whether the allegations of out-of-home abuse or neglect have been substantiated. If the investigative report has substantiated out-of-home abuse or neglect, the report must identify the individual, facility or individual and facility responsible.

**Sec. 4. 22 MRSA §4088, sub-§8** is enacted to read:

**8. Due process.** Any finding of out-of-home abuse or neglect made under this section is subject to the due process requirements of the Maine Administrative Procedure Act.

See title page for effective date.

---



---

## CHAPTER 400

S.P. 110 - L.D. 328

### An Act to Increase Courthouse Security

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

**Sec. 1. 4 MRSA §17, sub-§15**, as amended by PL 1993, c. 675, Pt. C, §7, is repealed and the following enacted in its place:

**15. Provide for court security.** Plan and implement arrangements for safe and secure court premises to ensure the orderly conduct of judicial proceedings.

**A.** The State Court Administrator may contract for the services of qualified individuals as needed on a per diem basis to perform court security-related functions and services.

(1) For the purposes of this subsection, "qualified individuals" means individuals who are certified pursuant to Title 25, section 2804-B or 2804-C and have successfully completed additional training in court security provided by the Maine Criminal Justice Academy or equivalent training.

(2) When under contract pursuant to this paragraph and then only for the assignment specifically contracted for, qualified individuals have the same duties and powers throughout the counties of the State as sheriffs have in their respective counties.

(3) Qualified deputy sheriffs performing contractual services pursuant to this paragraph continue to be employees of the counties in which they are deputized.

(4) Qualified individuals other than deputy sheriffs performing contractual services pursuant to this paragraph may not be considered employees of the State for any purpose, except that they must be treated as employees of the State for purposes of the

Maine Tort Claims Act and the Maine Workers' Compensation Act of 1992. They must be paid reasonable per diem fees plus reimbursement of actual, necessary and reasonable expenses incurred in the performance of their duties, consistent with policies established by the State Court Administrator.

**B.** The State Court Administrator may employ other qualified individuals to perform court security-related functions and services as court security officers.

(1) Court security officers employed under this paragraph must be certified pursuant to Title 25, section 2803-A, subsection 8-B.

(2) When on assignment for court security functions, court security officers have the same powers and duties throughout the counties of the State as sheriffs have in their respective counties.

(3) Court security officers employed under this paragraph are state employees for all purposes.

**C.** Notwithstanding any other provision of law, the plans, arrangements and files involving court security matters are confidential. Nothing in this section precludes dissemination of that information to another criminal justice agency;

**Sec. 2. 25 MRSA §2801-A, sub-§2-A** is enacted to read:

**2-A. Court security officer.** "Court security officer" means a law enforcement officer employed by the Judicial Branch to provide security and protection to the Judicial Branch and the courts located within the State.

**Sec. 3. 25 MRSA §2801-B, sub-§1, ¶¶H and I**, as repealed and replaced by PL 2001, c. 710, §11 and affected by §12, are amended to read:

**H.** The State Fire Marshal; ~~or~~

**I.** The Chief of the Bureau of Liquor Enforcement within the Department of Public Safety; ~~or~~

**Sec. 4. 25 MRSA §2801-B, sub-§1, ¶J** is enacted to read:

**J.** A court security officer.

**Sec. 5. 25 MRSA §2803-A, sub-§8-B** is enacted to read:

**8-B. Training of court security officers.** To establish certification standards and a preservice and