

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
2004

| | | |
|------------------------------|---------|---------|
| LEGISLATURE | | |
| DEPARTMENT TOTALS | 2003-04 | 2004-05 |
| GENERAL FUND | \$0 | \$3,360 |
| DEPARTMENT TOTAL - ALL FUNDS | \$0 | \$3,360 |
| SECTION TOTALS | 2003-04 | 2004-05 |
| GENERAL FUND | \$0 | \$0 |
| SECTION TOTAL - ALL FUNDS | \$0 | \$0 |

Sec. 9. Retroactivity. This Act applies retroactively to December 3, 2003.

See title page for effective date.

CHAPTER 708

H.P. 1419 - L.D. 1917

An Act To Implement the Recommendations of the Legislative Youth Advisory Council

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

Sec. 1. 22 MRSA §3-A, as amended by PL 1971, c. 622, §69-D, is further amended to read:

§3-A. State wards

When a state ward becomes 18 years of age and ~~he~~ the state ward and the department agree that need for care and support for educational, social or physical reasons exists, the department is authorized to continue care and support of this person up to the age of 21 years.

1. Continued support for certain state wards who reach 21 years of age and are enrolled in postsecondary education programs. When a state ward who is enrolled in a postsecondary education program becomes 21 years of age prior to the completion of the postsecondary education program, the department is authorized, at its discretion and by agreement with that state ward, to continue providing support for room, board and related education expenses until the state ward becomes 23 years of age. Funds allocated under this subsection must come from an identified education and training account specifically established for the postsecondary education-related costs of state wards after they become 21 years of age and before they become 23 years of age.

Sec. 2. Participation in school activities by students residing with other than parent or parents. The Department of Human Services, the

Department of Behavioral and Developmental Services and the Department of Education shall jointly study the impact of school parental consent requirements on opportunities for students residing with other than the parent or parents to participate in extracurricular and off-site school activities, identify barriers to participation in such activities by those students and develop a plan to address identified needs. In conducting the study, the departments shall solicit input from students residing with other than the parent or parents. The departments shall submit a written report on the results of the study, including suggested implementing legislation, to the Legislative Youth Advisory Council not later than December 15, 2004. Upon request of the council, a representative of each department shall appear before the council to discuss the study.

Sec. 3. Qualification for driver's licenses by youth residing in group homes. The Secretary of State and the Department of Human Services shall jointly study the process for issuance of driver's licenses to youth and review experiences of and identify barriers to youth residing in group homes in obtaining driver's licenses and develop a plan to address identified needs. In conducting the study, the Secretary of State and the department shall solicit input from students residing in group homes. The Secretary of State and the department shall submit a written report of their study, including suggested implementing legislation, to the Legislative Youth Advisory Council not later than December 15, 2004. Upon request of the council, a representative of the Office of the Secretary of State and a representative of the department shall appear in person before the council to discuss the study.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

HUMAN SERVICES, DEPARTMENT OF

Child Welfare Services - Education and Training Account 0139

Initiative: Provides base allocations in the event that funds are received for a new education and training account established for the postsecondary education-related costs of state wards after they become 21 years of age and before they become 23 years of age.

| | | |
|------------------------------------|----------------|----------------|
| Federal Expenditures Fund | 2003-04 | 2004-05 |
| All Other | \$0 | \$500 |
| Federal Expenditures Fund Total | \$0 | \$500 |
| Other Special Revenue Funds | 2003-04 | 2004-05 |
| All Other | \$0 | \$500 |
| Other Special Revenue Funds Total | \$0 | \$500 |

| HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS | 2003-04 | 2004-05 |
|--|---------|---------|
| FEDERAL EXPENDITURES FUND | \$0 | \$500 |
| OTHER SPECIAL REVENUE FUNDS | 0 | 500 |
| DEPARTMENT TOTAL - ALL FUNDS | \$0 | \$1,000 |

See title page for effective date.

CHAPTER 709

H.P. 1456 - L.D. 1957

An Act To Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws

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

Sec. 1. 1 MRSA §405, sub-§4, as enacted by
PL 1975, c. 758, is amended to read:

4. Motion contents. A motion to go into execu-
tive session shall must indicate the precise nature of
the business of the executive session and include a
citation of one or more sources of statutory or other
authority that permits an executive session for that
business. Failure to state all authorities justifying the
executive session does not constitute a violation of this
subchapter if one or more of the authorities are
accurately cited in the motion. An inaccurate citation
of authority for an executive session does not violate
this subchapter if valid authority that permits the
executive session exists and the failure to cite the valid
authority was inadvertent.

Sec. 2. 1 MRSA §408, as enacted by PL
1975, c. 758, is repealed and the following enacted in
its place:

§408. Public records available for public inspec- tion and copying

1. Right to inspect and copy. Except as other-
wise provided by statute, every person has the right to
inspect and copy any public record during the regular
business hours of the agency or official having
custody of the public record within a reasonable
period of time after making a request to inspect or
copy the public record.

**2. Inspection, translation and copying sched-
uled.** Inspection, translation and copying may be
scheduled to occur at such time as will not delay or

inconvenience the regular activities of the agency or
official having custody of the public record sought.

3. Payment of costs. Except as otherwise spe-
cifically provided by law or court order, an agency or
official having custody of a public record may charge
fees as follows.

A. The agency or official may charge a reason-
able fee to cover the cost of copying.

B. The agency or official may charge a fee to
cover the actual cost of searching for, retrieving
and compiling the requested public record of not
more than \$10 per hour after the first hour of
staff time per request. Compiling the public rec-
ord includes reviewing and redacting confidential
information.

C. If translation is necessary, the agency or offi-
cial may charge a fee to cover the actual cost of
translation.

D. An agency or official may not charge for in-
spection.

4. Estimate. The agency or official shall pro-
vide to the requester an estimate of the time necessary
to complete the request and of the total cost. If the
estimate of the total cost is greater than \$20, the
agency or official shall inform the requester before
proceeding. If the estimate of the total cost is greater
than \$100, subsection 5 applies.

5. Payment in advance. The agency or official
may require a requester to pay all or a portion of the
estimated costs to complete the request prior to the
translation, search, retrieval, compiling and copying of
the public record if:

A. The estimated total cost exceeds \$100; or

B. The requester has previously failed to pay a
properly assessed fee under this chapter in a
timely manner.

6. Waivers. The agency or official may waive
part or all of the total fee if:

A. The requester is indigent; or

B. Release of the public record requested is in
the public interest because it is likely to contrib-
ute significantly to public understanding of the
operations or activities of government and is not
primarily in the commercial interest of the re-
quester.

Sec. 3. 1 MRSA c. 13, sub-c. 1-A is enacted
to read: