

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

fund," is established within the agency to be used by the director of the agency to fund or assist in funding the program. Any balance in the fund does not lapse but is carried forward to be expended for the same purposes in succeeding fiscal years. The fund must be deposited with and maintained and administered by the agency. The agency may accept funds into the fund from any non-General Fund, ~~nonpublic fund~~ source, including grants or contributions of money or other things of value, that it determines necessary to carry out the purposes of this chapter. Money received by the agency to establish and maintain the program must be used for the expenses of administering this chapter.

Sec. 2. 22 MRSA §2700, sub-§7 is enacted to read:

7. Contingency. The program must operate with funding solely from the fund provided in subsection 5. The program may begin operation for 2 years on July 1st of any year in which notice is given by April 1st by the director of the agency to the State Budget Officer that funding has been procured for the fund that is sufficient to operate the program for 2 years.

Sec. 3. PL 2003, c. 679, §4 is amended to read:

Sec. 4. Effective date. That section of this Act that enacts the Maine Revised Statutes, Title 22, chapter 604 takes effect July 1, ~~2005~~ 2006.

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

Effective June 2, 2005.

CHAPTER 298

H.P. 454 - L.D. 621

An Act Regarding Divorce and Marital Property

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

Sec. 1. 19-A MRSA §953, sub-§6-A is enacted to read:

6-A. Nonowner spouse interest in certain payments or accounts. After the filing of a divorce complaint under section 901, a nonowner spouse has an inchoate equitable ownership interest, without the need to obtain an attachment, levy or court order, in the individual retirement account or similar plan or contract on account of illness, disability, death, age or

length of service of the owner spouse, to the extent the account or plan is either exempt or beyond the reach of an attaching or judgment lien creditor under state or federal law.

See title page for effective date.

CHAPTER 299

H.P. 182 - L.D. 243

An Act To Allow Emergency Responders To Equip Their Vehicles with 2 Emergency Flashing Lights

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

Sec. 1. 29-A MRSA §2054, sub-§2, ¶F, as amended by PL 2005, c. 14, §3, is further amended to read:

F. Only vehicles listed in this paragraph, rural mail vehicles as provided in paragraph C, subparagraph (5) and school buses may be equipped with, display or use a red auxiliary or emergency light.

(1) Emergency lights used on an ambulance, an emergency medical service vehicle, a fire department vehicle, a fire vehicle, a rescue vehicle or a hazardous material response vehicle must emit a red light or a combination of red and white light.

(2) The municipal officers or a municipal official designated by the municipal officers, with the approval of the fire chief, may authorize an active member of a municipal or volunteer fire department to use ~~a flashing red signal light not more than 5 inches in diameter on a vehicle one red or combination red and white flashing auxiliary light mounted as near as practicable above the front registration plate on the front of the vehicle, behind the rearview mirror or on the dashboard or 2 flashing red or combination red and white auxiliary lights mounted on the front of the vehicle above the front bumper and below the hood.~~ The light or lights may be displayed but may be used only while the member is en route to or at the scene of a fire or other emergency. ~~The light must be mounted as near as practicable above the registration plate on the front of the vehicle or on the dashboard.~~ A light mounted on the dashboard or behind the rearview mirror must be shielded so that the emitted light

does not interfere with the operator's vision. The use of lights may be revoked at any time by the fire chief.

(3) Members of an emergency medical service licensed by Maine Emergency Medical Services may display and use on a vehicle ~~a flashing red signal light~~ red or red and white combination flashing auxiliary lights of the same proportion, in the same location and under the same conditions as those permitted municipal and volunteer firefighters, when authorized by the chief official of the emergency medical service. The use of lights may be revoked at any time by the chief official of the emergency medical service.

See title page for effective date.

CHAPTER 300

H.P. 618 - L.D. 867

An Act Regarding Child Protection Proceedings

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

Sec. 1. 22 MRSA §4007, sub-§5, as enacted by PL 1985, c. 506, Pt. A, §42, is repealed.

Sec. 2. 22 MRSA §4008, sub-§1, as enacted by PL 1979, c. 733, §18, is amended to read:

1. Confidentiality of records and information.

All department records ~~which~~ that contain personally identifying information and are created or obtained in connection with the department's child protective activities and activities related to a child while in the care or custody of the department, and all information contained in those records, are confidential and subject to release only under the conditions of subsections 2 and 3. ~~Within the department, the records shall be available only to and used by appropriate departmental personnel and legal counsel for the department in carrying out their functions.~~

Within the department, the records are available only to and may be used only by appropriate departmental personnel and legal counsel for the department in carrying out their functions.

Any person who receives department records or information from the department may use the records or information only for the purposes for which that release was intended. A person, including, but not limited to, a child, parent, custodian or subject of a record, may not further disseminate any record or

information that person receives from the department unless the dissemination is otherwise allowed by law.

Sec. 3. 22 MRSA §4008, sub-§2, ¶A-1 is enacted to read:

A-1. A law enforcement agency, to the extent necessary for reporting, investigating and prosecuting an alleged crime, the victim of which is a department employee, an employee of the Attorney General's Office, an employee of any court or court system, a person mandated to report suspected abuse or neglect, a person who has made a report to the department, a person who has provided information to the department or an attorney, guardian ad litem, party, participant, witness or prospective witness in a child protection proceeding;

Sec. 4. 22 MRSA §4008, sub-§2, ¶¶D-1 and D-2 are enacted to read:

D-1. A parent, custodian or caretaker of a child when the department believes the child may be at risk of harm from the person who is the subject of the records or information, with protection for identity of reporters and other persons when appropriate;

D-2. A party to a child protection proceeding, when the records or information is relevant to the proceeding, with protection for identity of reporters and other persons when appropriate;

Sec. 5. 22 MRSA §4008, sub-§2, ¶E, as amended by PL 2001, c. 696, §17, is further amended to read:

E. A person having the legal responsibility or authorization to evaluate, treat, educate, care for or supervise a child, parent or custodian who is the subject of a record, or a member of a panel appointed by the department to review child deaths and serious injuries, or a member of the Domestic Abuse Homicide Review Panel established under Title 19-A, section 4013, subsection 4. This includes a member of a treatment team or group convened to plan for or treat a child or family that is the subject of a record. This may also include a member of a support team for foster parents, if that team has been reviewed and approved by the department;

Sec. 6. 22 MRSA §4008, sub-§2, ¶E-1 is enacted to read:

E-1. A relative or other person whom the department is investigating for possible custody or placement of the child;