

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

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 A, §42, is repealed.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;

**Sec. 7. 22 MRSA §4008, sub-§2, ¶I**, as repealed and replaced by PL 1989, c. 878, Pt. A, §63, is amended to read:

I. The representative designated to provide child welfare services by the tribe of an Indian child as defined by the federal Indian Child Welfare Act, 25 United States Code, Section 1903, or a representative designated to provide child welfare services by an Indian tribe of Canada; and

**Sec. 8. 22 MRSA §4008, sub-§3, ¶A**, as enacted by PL 1979, c. 733, §18, is amended to read:

A. The guardian ad litem of a child ~~named in a record who is reported to be abused or neglected,~~ appointed pursuant to section 4005, subsection 1;

**Sec. 9. 22 MRSA §4008, sub-§3, ¶A-1** is enacted to read:

A-1. The court-appointed guardian ad litem, visitor or attorney of a child who is the subject of a court proceeding involving parental rights and responsibilities, grandparent visitation, custody, guardianship or involuntary commitment. The access of the guardian ad litem, visitor or attorney to the records or information under this paragraph is limited to reviewing the records in the offices of the department. Any other use of the information or records during the proceeding in which the guardian ad litem, visitor or attorney is appointed is governed by paragraph B;

See title page for effective date.

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## CHAPTER 301

S.P. 518 - L.D. 1500

### An Act To Improve Campaign Financing and Reporting and the Administration of the Maine Clean Election Act

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

**Sec. 1. 1 MRSA §1008, sub-§6**, as amended by PL 2003, c. 20, Pt. J, §1, is further amended to read:

**6. Enhanced monitoring.** To provide for enhanced monitoring and enforcement of election practices and the electronic submission of reports and computerized tracking of campaign, election and lobbying information under the commission's jurisdiction.

**Sec. 2. 1 MRSA §1009** is enacted to read:

### §1009. Recommendations to Legislature

Following a general election, the commission may solicit suggestions for improving campaign financing and reporting and the administration of the other areas within the commission's jurisdiction. The commission shall review the suggestions and may submit legislation within 90 days of the general election.

**Sec. 3. 1 MRSA §1015, sub-§3, ¶B**, as enacted by PL 1997, c. 529, §1, is amended to read:

B. The Governor, a member of the Legislature or any constitutional officer or the staff or agent of the Governor, a member of the Legislature or any constitutional officer may not intentionally solicit or accept a contribution from a lobbyist, lobbyist associate or employer during any period of time in which the Legislature is convened before final adjournment, except for a qualifying contribution as defined under Title 21-A, section 1122, subsection 7. A lobbyist, lobbyist associate or employer may not intentionally give, offer or promise a contribution, other than a qualifying contribution, to the Governor, a member of the Legislature or any constitutional officer or the staff or agent of the Governor, a member of the Legislature or any constitutional officer during any time in which the Legislature is convened before final adjournment. These prohibitions apply to direct and indirect solicitation, acceptance, giving, offering and promising, whether through a political action committee, political committee, political party or otherwise.

**Sec. 4. 3 MRSA §317, sub-§2-A** is enacted to read:

**2-A. Electronic filing.** Beginning January 1, 2006, a lobbyist shall file monthly session reports under subsection 1 and annual reports under subsection 2 through an electronic filing system developed by the commission. The commission may make an exception to this electronic filing requirement if a lobbyist submits a written request that states that the lobbyist lacks access to the technology or the technological ability to file reports electronically. The request for an exception must be submitted at least 10 days prior to the deadline for the first report that the lobbyist is required to file for the lobbying year. The commission shall grant all reasonable requests for exceptions.

**Sec. 5. 21-A MRSA §1003, sub-§1**, as amended by PL 1991, c. 839, §1 and affected by §34, is further amended to read:

**1. Investigations.** The commission may ~~investigate~~ undertake audits and investigations to determine the facts concerning the registration of a candidate,