

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

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Penmor Lithographers
Lewiston, Maine
2007

**CHAPTER 138
H.P. 522 - L.D. 691**

An Act To Reduce Lobster and Crab Fishing License Fees for Persons 70 Years of Age or Older

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

Sec. 1. 12 MRSA §6421, sub-§8, as amended by PL 2003, c. 20, Pt. WW, §2, is repealed and the following enacted in its place:

8. Exception. The fee for a license for an applicant 70 years of age or older is:

A. For a Class I or an apprentice lobster and crab fishing license, \$57;

B. For a Class II lobster and crab fishing license, \$114; and

C. For a Class III lobster and crab fishing license, \$170.

Sec. 2. 12 MRSA §6455, sub-§5, ¶B, as amended by PL 2001, c. 226, §1, is further amended to read:

B. Class II crab and lobster licenses, \$62.50, except that for license holders 70 years of age or older the surcharge is \$32;

Sec. 3. 12 MRSA §6455, sub-§5, ¶C, as amended by PL 2001, c. 226, §1, is further amended to read:

C. Class III crab and lobster licenses, \$93.75, except that for license holders 70 years of age or older the surcharge is \$47;

See title page for effective date.

**CHAPTER 139
H.P. 451 - L.D. 584**

An Act Concerning Animal Control Officers as Reporters of Abuse

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

Sec. 1. 22 MRSA §3477, sub-§1-A is enacted to read:

1-A. Permitted reporters. An animal control officer, as defined in Title 7, section 3907, subsection 4, may report to the department when that person has reasonable cause to suspect that an incapacitated or

dependent adult has been or is at substantial risk of abuse, neglect or exploitation.

Sec. 2. 22 MRSA §4011-A, sub-§1-A is enacted to read:

1-A. Permitted reporters. An animal control officer, as defined in Title 7, section 3907, subsection 4, may report to the department when that person knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected.

See title page for effective date.

**CHAPTER 140
H.P. 450 - L.D. 583**

An Act To Permit Medical and Social Service Professionals To Report Animal Cruelty

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

Sec. 1. 22 MRSA §3474, sub-§2, ¶H, as amended by PL 2003, c. 653, §6, is further amended to read:

H. A relative by blood, marriage or adoption of an incapacitated or dependent adult named in a record; and

Sec. 2. 22 MRSA §3474, sub-§2, ¶I, as amended by PL 2003, c. 653, §6, is amended to read:

I. A member of a panel appointed by the department or the Office of the Attorney General to review the death or serious injury of an incapacitated or dependent adult or a child; and

Sec. 3. 22 MRSA §3474, sub-§2, ¶J is enacted to read:

J. The local animal control officer or the animal welfare program of the Department of Agriculture, Food and Rural Resources established pursuant to Title 7, section 3902 when there is a reasonable suspicion of animal cruelty, abuse or neglect. For purposes of this paragraph, "cruelty, abuse or neglect" has the same meaning as provided in Title 34-B, section 1901, subsection 1, paragraph B.

Sec. 4. 22 MRSA §3477, sub-§5 is enacted to read:

5. Permissive reporting of animal cruelty, abuse or neglect. Notwithstanding any other provision of state law imposing a duty of confidentiality, a person listed in subsection 1 may report a reasonable suspicion of animal cruelty, abuse or neglect to the local animal control officer or to the animal welfare program of the Department of Agriculture, Food and

Rural Resources established pursuant to Title 7, section 3902. For purposes of this subsection, the reporter shall disclose only such limited confidential information as is necessary for the local animal control officer or animal welfare program employee to identify the animal's location and status and the owner's name and address. For purposes of this subsection, "cruelty, abuse or neglect" has the same meaning as provided in Title 34-B, section 1901, subsection 1, paragraph B. A reporter under this subsection may assert immunity from civil and criminal liability under Title 34-B, chapter 1, subchapter 6.

Sec. 5. 22 MRSA §4008, sub-§2, ¶I, as amended by PL 2005, c. 300, §7, is further 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. 6. 22 MRSA §4008, sub-§2, ¶J, as enacted by PL 1989, c. 502, Pt. A, §77, is amended to read:

J. A person making a report of suspected abuse or neglect. The department may only disclose that it has not accepted the report for investigation, unless other disclosure provisions of this section apply; ~~and~~

Sec. 7. 22 MRSA §4008, sub-§2, ¶K is enacted to read:

K. The local animal control officer or the animal welfare program of the Department of Agriculture, Food and Rural Resources established pursuant to Title 7, section 3902 when there is a reasonable suspicion of animal cruelty, abuse or neglect. For purposes of this paragraph, "cruelty, abuse or neglect" has the same meaning as provided in Title 34-B, section 1901, subsection 1, paragraph B.

Sec. 8. 22 MRSA §4011-A, sub-§6 is enacted to read:

6. Permissive reporting of animal cruelty, abuse or neglect. Notwithstanding any other provision of state law imposing a duty of confidentiality, a person listed in subsection 1 may report a reasonable suspicion of animal cruelty, abuse or neglect to the local animal control officer or to the animal welfare program of the Department of Agriculture, Food and Rural Resources established pursuant to Title 7, section 3902. For purposes of this subsection, the reporter shall disclose only such limited confidential information as is necessary for the local animal control officer or animal welfare program employee to identify the animal's location and status and the owner's

name and address. For purposes of this subsection, "cruelty, abuse or neglect" has the same meaning as provided in Title 34-B, section 1901, subsection 1, paragraph B. A reporter under this subsection may assert immunity from civil and criminal liability under Title 34-B, chapter 1, subchapter 6.

Sec. 9. 34-B MRSA c. 1, sub-c. 6 is enacted to read:

SUBCHAPTER 6

REPORTING ANIMAL CRUELTY, ABUSE OR NEGLECT

§1901. Animal cruelty, abuse or neglect; reporting

1. Definitions. As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Animal" means every living, sentient creature not a human being.

B. "Cruelty, abuse or neglect" means every act, omission or instance of neglect when unnecessary or unjustifiable pain or suffering is caused or permitted.

C. "Owner" means a person, firm, partnership, association or corporation owning, keeping or harboring an animal.

D. "Reasonably suspect" means to hold an objectively reasonable suspicion based upon facts that would cause a reasonable person in a like position to draw on that person's training or experience to suspect animal cruelty, abuse or neglect.

2. Report. An employee of a state-funded child or adult protective services agency or other social service agency, including those providing mental health services that are funded or licensed by the department, while acting in the employee's professional capacity or within the scope of the employee's employment, who has knowledge of or observes an animal that the employee knows or reasonably suspects has been the victim of cruelty, abuse or neglect may report the known or reasonably suspected animal cruelty, abuse or neglect to the local animal control officer or to the animal welfare program of the Department of Agriculture, Food and Rural Resources established pursuant to Title 7, section 3902.

3. Duty. Nothing in this section may be construed to impose a duty to investigate known or reasonably suspected animal cruelty, abuse or neglect.

4. Immunity from liability. A person participating in good faith in reporting under this subchapter is immune from any civil or criminal liability that might otherwise result from these actions, including, but not limited to, any civil or criminal liability that might otherwise arise under state or local laws or rules regarding confidentiality of information.

In a proceeding regarding immunity from liability, there is a rebuttable presumption of good faith.

See title page for effective date.

CHAPTER 141
S.P. 172 - L.D. 560

**An Act To Integrate the
Approval of Early Childhood
Education Plans for Children 4
Years of Age into Basic School
Approval for Elementary
Schools**

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

Sec. 1. 20-A MRSA §1, sub-§15, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

15. Kindergarten. "Kindergarten" means a one-year or 2-year childhood education program, for children at least 5 years of age, immediately prior to grade one.

Sec. 2. 20-A MRSA §1, sub-§23-A is enacted to read:

23-A. Public preschool program. "Public preschool program" means a program offered by a public school that provides instruction to children who are 4 years of age.

Sec. 3. 20-A MRSA §4252, sub-§4, as amended by PL 1989, c. 548, §3, is further amended to read:

4. Programs for children 4 years of age and 5 years of age. Encourage the development of public preschool programs or 2-year kindergartens in conformity with section 5201, subsection 2, paragraph C and other appropriate programs to address the needs of 4-year-old children 4 years of age and 5 years of age;

Sec. 4. 20-A MRSA §4253, as amended by PL 1997, c. 534, §1, is repealed.

Sec. 5. 20-A MRSA §4255, as enacted by PL 2005, c. 368, §1, is repealed.

Sec. 6. 20-A MRSA §4501, as amended by PL 1985, c. 797, §31, is further amended to read:

§4501. Duty of school units

In accordance with the policy expressed in section 2, every school administrative unit shall raise ~~and support~~ annually sufficient funds to maintain or support elementary and secondary schools to provide free education for its resident students at all grade levels. These schools shall meet the requirements of basic school approval. School units that choose to offer a

public preschool program must meet the requirements of basic school approval.

Sec. 7. 20-A MRSA §4502, sub-§2, as amended by PL 1991, c. 824, Pt. A, §32, is further amended to read:

2. Curriculum standards. Schools shall also meet all curriculum standards established in chapter 207-A. Schools that offer public preschool programs shall demonstrate curriculum practice for those programs that implements the Maine early childhood learning guidelines and is appropriate for the age and development level of the children.

Sec. 8. 20-A MRSA §4502, sub-§5, ¶N, as amended by PL 2001, c. 452, §9, is further amended to read:

N. Preparation of a written local policy and implementation of training for all unlicensed personnel who administer medication in accordance with the requirements under section 254, subsection 5; ~~and~~

Sec. 9. 20-A MRSA §4502, sub-§5, ¶O, as enacted by PL 2001, c. 452, §10, is amended to read:

O. Preparation of a written local policy and implementation of training for all guidance counselors and school personnel who administer reintegration planning pursuant to section 254, subsection 12, who participate in a reintegration team and who have access to confidential criminal justice information regarding juveniles pursuant to section 1055, subsection 12; ~~and~~

Sec. 10. 20-A MRSA §4502, sub-§5, ¶P is enacted to read:

P. Provision of family outreach and support programs designed to improve parent-school relations and parenting skills consistent with section 4252, subsection 8.

Sec. 11. 20-A MRSA §4502, sub-§9 is enacted to read:

9. Coordinated early childhood programs for children 4 years of age. Any school administrative unit that wishes to develop an early childhood program for children 4 years of age must submit a proposal for approval to the department. Evaluation of the proposal must include consideration of at least the following factors:

A. Demonstrated coordination with other early childhood programs in the community to maximize resources;

B. Consideration of the extended child care needs of working parents; and

C. Provision of public notice regarding the proposal to the community being served, including the extent to which public notice has been dis-