

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

**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**  
**2007**

7. Executive head. This State's "executive head of the state human services administration with ultimate responsibility for the child welfare program" is the commissioner.

See title page for effective date.

**CHAPTER 256**

**H.P. 305 - L.D. 389**

**An Act To Allow the District Court To Enter Parental Rights and Responsibilities Orders in Child Protection Proceedings**

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

**Sec. 1. 22 MRSA §4036, sub-§1-A** is enacted to read:

**1-A. Parental rights and responsibilities orders.** Upon request of a parent, the court may enter an order pursuant to Title 19-A, section 1653 if the court determines that the order will protect the child from jeopardy and is in the child's best interest as defined in Title 19-A, section 1653, subsection 3. If the court enters an order pursuant to this subsection:

A. The order has the same force and effect as other orders entered pursuant to Title 19-A, section 1653;

B. The order is subject to modification or termination in the same manner as other orders entered pursuant to Title 19-A, section 1653;

C. Any person who requests a modification or termination of the order must serve the department with the motion or petition;

D. The department is not a party to proceedings to modify or terminate the order unless otherwise ordered by the court. This paragraph may not be construed to limit the department's ability to request a judicial review pursuant to section 4038, subsection 2;

E. Notwithstanding section 4038, the court may order that further judicial reviews may not be held unless requested by a party and, notwithstanding section 4038-B, may order that further permanency planning hearings may not be held; and

F. The court may terminate the appointments of the guardian ad litem and attorneys for parents and guardians, in which case the attorneys and

guardian ad litem have no further responsibilities to their clients or the court.

See title page for effective date.

**CHAPTER 257**

**H.P. 306 - L.D. 390**

**An Act To Allow the District Court To Adjudicate Parentage in Child Protective Custody Cases**

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

**Sec. 1. 22 MRSA §4005-F** is enacted to read:

**§4005-F. Determinations of parentage**

As part of a child protection proceeding, the District Court may determine parentage of the child. Title 19-A, sections 1558 to 1564 apply to determinations of parentage in a child protection proceeding.

This section may not be construed to limit the right of a person to file an action pursuant to Title 19-A, chapter 53, subchapter 1 to enforce a father's obligations pursuant to that subchapter.

See title page for effective date.

**CHAPTER 258**

**H.P. 934 - L.D. 1326**

**An Act To Increase Civil Penalties for Violations of Fire Code Laws Applicable to Fire Escape Installment and Maintenance**

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

**Sec. 1. 25 MRSA §2453**, as amended by PL 2001, c. 31, §1, is repealed and the following enacted in its place:

**§2453. Fire escapes; appeals**

**1. Certain buildings; more than one way of egress.** Each story above the first story of a building used as a schoolhouse, orphan asylum, hospital for the mentally ill, reformatory, opera house, hall for public assemblies, hotel or tenement house occupied by more than 2 families or store in which more than 10 persons are employed above the first story must be provided with more than one way of egress, by stairways on the inside or fire escapes on the outside of such a building. The stairways and fire escapes must be constructed, in a number or of a size and in a location so as to give

reasonably safe, adequate and convenient means of exit, in view of the number of persons who may need to use the stairway or fire escape, must at all times be kept free from obstruction and must be accessible from each room in each story above the first story.

**2. Apartment building; single exit permitted with sprinkler system.** Any apartment building of 3 stories or less in its entirety is permitted to have a single exit under the condition that the building is protected throughout by an approved automatic sprinkler system and meets the requirements of the applicable chapter of the National Fire Protection Association Life Safety Code 101 and every sleeping room has a second means of escape.

**3. Commissioner approval of fire escape or alarm system.** An individual, partnership or corporation may not offer for sale in this State any type of fire escape device or fire alarm system without first securing approval of the Commissioner of Public Safety.

**4. Order of the commissioner.** A person or corporation aggrieved by an order of the Commissioner of Public Safety issued under this section may appeal to the Superior Court by filing within 30 days from the effective date of the order a complaint. The court shall fix a time and place of hearing and cause notice of the time and place to be given to the commissioner. After the hearing, the court may affirm or reverse in full or in part an order of the commissioner, and the decision of the court is final. If the commissioner, in the interest of public safety and because the commissioner determines there is immediate danger, forbids the use of a building for any public purpose until satisfactory compliance with the commissioner's order, the order becomes effective immediately and the filing of the complaint may not operate as a stay.

**5. Violation.** A violation of this section by a person, firm or organization is a civil violation punishable by a fine of not more than \$500.

See title page for effective date.

## CHAPTER 259

H.P. 1295 - L.D. 1859

### An Act To Prepare All Maine Students for Postsecondary Education, Career and Citizenship

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

**Sec. 1. 20-A MRSA §4726**, as amended by PL 1991, c. 279, §3, is further amended to read:

#### §4726. World languages

Each school administrative unit:

**1. Required to offer.** Shall offer one 2-year sequence in a ~~foreign~~ world language; and

**2. Encouraged to offer.** Is encouraged to offer one or more additional ~~foreign~~ world languages as part of its secondary school program.

#### 3. American sign language.

American sign language is a ~~foreign~~ world language and may be offered to fulfill the requirements of this section.

For purposes of this section, "world language" means a language, either ancient or modern, that is used or has been used for written, oral or signed communication in the multilingual and multicultural worldwide community.

**Sec. 2. 20-A MRSA §6202-A**, as amended by PL 2005, c. 446, §4 and c. 593, §§1 and 2, is repealed.

**Sec. 3. 20-A MRSA §6202-B** is enacted to read:

#### **§6202-B. Multiple measures of student achievement**

Each school administrative unit shall use multiple assessment methods to measure student achievement of the learning results set forth in section 6209 and in department rules implementing that section and other curricular requirements established in section 6209 to inform instruction and ensure students are making progress toward achieving the learning results set forth in section 6209 and in department rules implementing that section, other curricular requirements and the requirements of a common core course of study.

**Sec. 4. 20-A MRSA §6208**, as enacted by PL 1995, c. 649, §1, is amended to read:

#### §6208. Legislative intent

The Legislature finds that because all children can learn at significantly higher levels, it is essential that the Legislature, the State Board of Education, the Department of Education, school administrative units, educators and parents provide children with schools that reflect high expectations and create conditions where these expectations can be met. Through a shared sense of accountability and a cooperative spirit among State Government, school administrative units, educators, parents, business persons, and the community, school administrative units and educators can develop and teach to high standards that will enable students to become productive and fulfilled members of society. The Legislature further finds that the system of learning results ~~established~~ set forth in section 6209 and in department rules implementing that section and other curricular requirements will serve as a foundation for education reform, will promote assessment of student learning, will reinforce accountability and will encourage equity. The Legislature, therefore, encourages the State Board of Education, the Depart-