

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

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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.

Penmor Lithographers
Lewiston, Maine
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sister, brother, aunt, uncle or cousin of the child ~~with whom the child lives and who has taken responsibility for the child.~~

Sec. 2. 22 MRSA §4005-E, as amended by PL 2005, c. 366, §6, is further amended to read:

§4005-E. Relatives; visitation and access; placement

1. Grandparent visitation and access. A grandparent who is designated as an interested person or a participant under section 4005-D or who has been granted intervenor status under the Maine Rules of Civil Procedure, Rule 24 may request the court to grant reasonable rights of visitation or access. When a child is placed in a prospective adoptive home and the prospective adoptive parents have signed an adoptive placement agreement, a grandparent's right to contact or have access to the child that was granted pursuant to this chapter is suspended. If the adoption is not final within 18 months of adoptive placement, then the grandparent whose rights of contact or access were suspended pursuant to this subsection may resume, as a matter of right and without further court order, contact with the child in accordance with the order granting that contact or access, unless the court determines after a hearing that the contact is not in the child's best interests. A grandparent's rights of visitation or access terminate when the adoption is finalized pursuant to Title 18-A, section 9-308. Nothing in this section prohibits prospective adoptive parents from independently facilitating or permitting contact between a child and a grandparent, especially when a court has previously ordered rights of contact.

2. Placement. A grandparent relative who is designated as an interested person or a participant under section 4005-D or who has been granted intervenor status under the Maine Rules of Civil Procedure, Rule 24 may request the court to order that the child be placed with the grandparent relative. A grandparent relative who has not been designated as a participant under section 4005-D may make the request for placement in writing. In making a decision on the request, the court shall ~~give the grandparents~~ make placement with a relative a priority for consideration for placement if that placement is in the best interests of the child and consistent with section 4003.

3. Conviction or adjudication for certain sex offenses; presumption. There is a rebuttable presumption that the grandparent relative would create a situation of jeopardy for the child if any contact were to be permitted and that contact is not in the best interest of the child if the court finds that the grandparent relative:

A. Has been convicted of an offense listed in Title 19-A, section 1653, subsection 6-A, paragraph A in which the victim was a minor at the time of the offense and the grandparent relative was at

least 5 years older than the minor at the time of the offense except that, if the offense was gross sexual assault under Title 17-A, section 253, subsection 1, paragraph B or C and the minor victim submitted as a result of compulsion, the presumption applies regardless of the ages of the ~~grandparent~~ relative and the minor victim at the time of the offense; or

B. Has been adjudicated in an action under Title 22, chapter 1071 of sexually abusing a person who was a minor at the time of the abuse.

The grandparent relative seeking visitation with or access to the child may produce evidence to rebut the presumption.

Sec. 3. 22 MRSA §4008, sub-§2, ¶E-1, as enacted by PL 2005, c. 300, §6, is repealed.

Sec. 4. 22 MRSA §4008, sub-§3, ¶I, as enacted by PL 2003, c. 673, Pt. Z, §4, is amended to read:

I. Any government entity that needs such information in order to carry out its responsibilities under law to protect children from abuse and neglect. For purposes of this paragraph, "government entity" means a federal entity, a state entity of any state, a local government entity of any state or locality or an agent of a federal, state or local government entity; ~~and~~

Sec. 5. 22 MRSA §4008, sub-§3, ¶J, as enacted by PL 2003, c. 673, Pt. Z, §4, is amended to read:

J. To a juvenile court when the child who is the subject of the records has been brought before the court pursuant to Title 15, Part 6-; and

Sec. 6. 22 MRSA §4008, sub-§3, ¶K is enacted to read:

K. A relative or other person whom the department is investigating for possible custody or placement of the child.

See title page for effective date.

CHAPTER 372

H.P. 406 - L.D. 528

An Act To Make BETR Better

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

Sec. 1. 36 MRSA §6651, sub-§1, as amended by PL 2005, c. 623, §2, is further amended to read:

1. Eligible property. "Eligible property" means qualified business property first placed in service in the State, or constituting construction in progress

commenced in the State, after April 1, 1995, but does not include property that qualifies for exemption pursuant to chapter 105, subchapter 4-C. "Eligible property" includes, without limitation, repair parts, replacement parts, additions, accessions and accessories to other qualified business property placed in service on or before April 1, 1995 if the part, addition, accession or accessory is first placed in service, or constitutes construction in progress, in the State after April 1, 1995, unless such property qualifies for exemption pursuant to chapter 105, subchapter 4-C. "Eligible property" includes used qualified business property if the qualified business property was first placed in service in the State, or constituted construction in progress commenced in the State, after April 1, 1995 and does not qualify for exemption under chapter 105, subchapter 4-C. "Eligible property" also includes inventory parts.

See title page for effective date.

CHAPTER 373

H.P. 776 - L.D. 1058

An Act To Require the Reporting of Executive Branch Lobbying

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

Sec. 1. 3 MRSA §312-A, sub-§9, as amended by PL 1993, c. 446, Pt. A, §5, is further amended to read:

9. Lobbying. "Lobbying" means to communicate directly with any official in the ~~Legislature~~ legislative branch or any official in the executive branch or with a constitutional officer for the purpose of influencing any legislative action or with the Governor or the Governor's cabinet and staff for the purpose of influencing the approval or veto of a legislative action when reimbursement for expenditures or compensation is made for those activities. ~~It~~ "Lobbying" includes the time spent to prepare and submit to the Governor, ~~a Legislator~~ an official in the legislative branch, an official in the executive branch, a constitutional officer or a legislative committee oral and written proposals for, or testimony or analyses concerning, a legislative action. "Lobbying" does not include time spent by any person providing information to or participating in a subcommittee, stakeholder group, task force or other work group regarding a legislative action by the appointment or at the request of the Governor, a Legislator or legislative committee, a constitutional officer, a state agency commissioner or the chair of a state board or commission as long as the person's regular employment does not otherwise include lobbying.

Sec. 2. 3 MRSA §312-A, sub-§10-C is enacted to read:

10-C. Official in the executive branch. "Official in the executive branch" means an individual in a major policy-influencing position listed in Title 5, chapter 71, the Governor's cabinet and staff and any individual in a major policy-influencing position in any other agency or independent agency, as defined in section 953, who is not specifically named in Title 5, chapter 71.

Sec. 3. 3 MRSA §317, sub-§1, ¶D, as amended by PL 1993, c. 446, Pt. A, §14 and affected by §20, is further amended to read:

D. The specific dollar amount of compensation received for the preparation of documents and research for the primary purpose of influencing legislative action and for lobbying, specifying the amount of compensation received for lobbying officials in the legislative branch, officials in the executive branch and constitutional officers separately.

In the case of a regular employee, the specific dollar amount must be computed by multiplying the number of hours devoted to the preparation of documents and research for the primary purpose of influencing legislative action and to lobbying by the employee's regular rate of pay based on a 40-hour week;

Sec. 4. 3 MRSA §317, sub-§1, ¶E, as amended by PL 1993, c. 446, Pt. A, §14 and affected by §20, is further amended to read:

E. The specific dollar amount of expenditures made during the month that is the subject of the report with regard to the preparation of documents and research for the primary purpose of influencing legislative action and to lobbying for which the lobbyist has been or expects to be reimbursed, specifying the amount of expenditures for lobbying officials in the legislative branch, officials in the executive branch and constitutional officers separately;

Sec. 5. 3 MRSA §317, sub-§1, ¶G-1, as enacted by PL 1993, c. 446, Pt. A, §14 and affected by §20, is amended to read:

G-1. The date, ~~and~~ a description of the an event, a list of all officials ~~of in~~ in the legislative branch or ~~administrative agency~~ executive branch or members of an official's immediate family in attendance and the total amount of expenditures for the event, if the total amount of the expenditures for officials and family members ~~total is~~ is \$250 or more;

See title page for effective date.