

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

B. The committee shall identify 12 additional representatives for membership as described in this paragraph, with broad input from persons with HIV or at risk for HIV infection or from organizations with extensive participation of persons with HIV, organizations interested in and working on HIV and AIDS prevention and health, other community-based organizations providing HIV and AIDS services, rural health centers and the public:

- (1) Three persons who have HIV/AIDS;
- (2) Two health care professionals involved with HIV treatment and care issues;
- (3) Two providers of HIV-related prevention or social services;
- (4) One representative of a state HIV community planning group;
- (5) One representative of the statewide AIDS alliance under section 19251, subsection 4;
- (6) One representative of a statewide coordinating council for public health; and
- (7) Two at-large representatives including but not limited to: homeless persons, high-risk groups, family planning, mental health, higher education, civil rights or disability rights.

Sec. 5. 5 MRSA §19202, sub-§3, as corrected by RR 2003, c. 2, §10, is amended to read:

3. Terms. The term of office of each voting member is 3 years; except that ~~of the members first chosen by the membership committee pursuant to subsection 2-A, 1/3 must be chosen for a term of one year, 1/3 for a term of 2 years and 1/3 for a term of 3 years; members chosen after nomination by the Commissioner of Health and Human Services, the Commissioner of Education, the Commissioner of Corrections or the Commissioner of Public Safety nonvoting members~~ serve during the nominating duration of the commissioner's term of office; for the agency that each member represents and Legislators serve during the term for which they were elected. The membership shall annually elect a chair and vice-chair. The chair is the presiding member of the committee. All vacancies must be filled for the balance of the unexpired term in the same manner as original appointments.

Sec. 6. 5 MRSA §19202, sub-§4, as amended by PL 1999, c. 390, §7 and affected by §10, is further amended to read:

4. Meetings. The committee shall meet at least 4 times a year and more frequently if needed to respond to the duties of this committee as specified in subsection ~~4-A~~ **1-B**. Special meetings may be called by the chair and must be called at the request of the ~~State Epidemiologist, the Director of the Bureau of Health,~~

~~the Director of Disease Control, the Director of Sexually Transmitted Diseases~~ Department of Health and Human Services, Maine Center for Disease Control and Prevention or by 3 or more members of the committee.

Sec. 7. Transition. Notwithstanding the appointment provisions of the Maine Revised Statutes, Title 5, section 19202, subsection 2-B, those members of the Maine HIV Advisory Committee on September 30, 2009 under former Title 5, section 19202, subsection 2-A may continue to serve on the committee for the balance of their terms of office as provided under Title 5, section 19202, subsection 3. Notwithstanding Title 5, section 19202, subsection 3, a person who is not a member of the committee on September 30, 2009 and who is appointed to the committee pursuant to Title 5, section 19202, subsection 2-B serves a 3-year term.

Sec. 8. Effective date. This Act takes effect October 1, 2009.

Effective October 1, 2009.

CHAPTER 204

H.P. 882 - L.D. 1263

An Act To Amend the Laws Concerning Child Abuse and Neglect Councils

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

Sec. 1. 22 MRSA §3871, as amended by PL 1993, c. 142, §2, is further amended to read:

§3871. Purpose

The purpose of this chapter is to encourage and maintain coordinated community efforts in each county to prevent child abuse and neglect through the provision of family-strengthening programs, including, but not limited to, public awareness activities, child safety education, parent education, support and information for parents, referral to services and training for professionals, and to ensure adequate intervention and treatment for abused and neglected children and their families.

Sec. 2. 22 MRSA §3872, sub-§1-A, as enacted by PL 1993, c. 142, §2, is amended to read:

1-A. Child abuse and neglect prevention council. "Child abuse and neglect prevention council" means a community organization that provides continuous year-round service as a county's primary organization that serves to encourage and coordinate community efforts in primary prevention and the treatment of child abuse and neglect to prevent child abuse from occurring. Services may include public

awareness activities, child safety education, parent education, support and information for parents, referral to services and training for professionals.

Sec. 3. 22 MRSA §3872, sub-§2, as amended by PL 1993, c. 142, §2 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

2. Fiscal agent. "Fiscal agent" means an incorporated community organization, agency or institution designated by the child abuse and neglect prevention council and authorized by the Department of Health and Human Services to receive and distribute grants to that child abuse and neglect prevention council.

Sec. 4. 22 MRSA §3872, sub-§3, as amended by PL 1993, c. 142, §2, is further amended to read:

3. Maine Child Abuse Prevention Councils. "~~Maine Association of Child Abuse and Neglect Prevention Councils~~" means the statewide organization composed of a majority of the child abuse and neglect prevention councils. ~~The association shall~~ organization must have at least one representative from each member council. ~~The association shall establish standards of practice by which it may evaluate the effectiveness of each individual council's strategies to combat child abuse and neglect and organization shall work collaboratively to maintain a list of core activities offered in each of the counties represented by its membership and shall also maintain a statewide network that works to develop statewide plans and effective implementation strategies.~~

Sec. 5. 22 MRSA §3872-A, as enacted by PL 1993, c. 142, §3, is amended to read:

§3872-A. Child abuse and neglect prevention council's responsibilities

1. Duties. A child abuse and neglect prevention council shall review existing data to assess and monitor the extent and causes of child abuse and neglect in its county and carry out the following activities:

- A. Coordinate services, utilizing community, state and federal resources to ensure that direct services are being provided to children and families, including education and support services;
- B. Provide training to professionals who ~~deal~~ work directly with children and families; and
- C. Provide education and awareness concerning child abuse and neglect and its prevention.

Sec. 6. 22 MRSA §3873, as amended by PL 1993, c. 142, §4, is further amended to read:

§3873. Authorization for expenditure of funds

The department and other state agencies shall, from funds authorized to the department and state agencies, make grants to, or purchase services from, the child abuse and neglect prevention councils or fiscal agents to further the purposes of this chapter.

1. Funding authorized. Grants or funds must be made on a competitive basis and allocated to child abuse and neglect prevention councils according to rules adopted or amended by the commissioner. Grants or funds in excess of \$15,000 must be made on a one-to-one matching basis with contributions from the community. Community contributions may be donations of cash or may be in-kind contributions, as determined by departmental rule.

2. Distribution of funds. Grants or funds must be awarded or allocated to support existing child abuse and neglect prevention councils and to assist the establishment of new child abuse and neglect prevention councils. It is the intent of this chapter to support a statewide network of child abuse and neglect prevention councils in each county as resources permit. Nothing in this chapter requires the department to fully fund the activities of any child abuse and neglect prevention council.

3. Consultation with Maine Child Abuse Prevention Councils. ~~The Maine Association of Child Abuse and Neglect Councils shall advise the department regarding the distribution of grants before any grants are awarded. The Maine Association of Child Abuse and Neglect Prevention Councils, in conjunction with the department, shall develop a plan, updated annually, establishing a statewide strategy for child abuse and neglect prevention in local counties and communities. This plan must be implemented at least one month before January 1, 1994 and updated annually.~~ Grants or allocated funds must be awarded in accordance with the goals and strategies set out in the plan.

Sec. 7. 22 MRSA §3874, as amended by PL 1993, c. 142, §4, is further amended to read:

§3874. Fiscal agents

A fiscal agent receiving grants or funds under this chapter shall act only in an administrative capacity to receive and distribute grant or fund money to the child abuse and neglect prevention councils, as described in the rules adopted by the department for regulating the local administration of these programs.

Sec. 8. 22 MRSA §3875-A, as enacted by PL 1993, c. 142, §6, is amended to read:

§3875-A. Child abuse and neglect prevention councils; membership

The child abuse and neglect prevention councils are responsible for ~~governing~~ facilitating the community programs under this chapter. Each council shall establish a governing or advisory board of directors. The board must be diverse with broad-based participation in each county. Terms of the directors and methods of appointment or election of members must be determined by the child abuse and neglect prevention

council's bylaws or by rules of procedure adopted for the advisory board if an advisory board is established.

Sec. 9. 22 MRSA §3883, sub-§2, ¶C, as enacted by PL 1993, c. 600, Pt. A, §16, is amended to read:

C. Four members of the Maine ~~Association of Child Abuse and Neglect Prevention~~ Councils, selected by that ~~association organization~~. Of the initial appointees, one is appointed for a one-year term, one is appointed for a 2-year term and 2 are appointed for 3-year terms. After the initial appointments, appointees are appointed for 3-year terms;

Sec. 10. 22 MRSA §3884-A, sub-§1, ¶I, as enacted by PL 2001, c. 11, §2, is amended to read:

I. Develop plans, with the cooperation of the child abuse and neglect prevention councils established under chapter 1057, to provide a stable base for funding the councils in amounts no lower than the amounts provided in the biennial budget of fiscal years 1999-00 and 2000-01.

Sec. 11. 22 MRSA §3890-A, sub-§2, as enacted by PL 1993, c. 600, Pt. A, §16, is amended to read:

2. Dissolution of fund. Upon dissolution of the fund, the members shall transfer any unexpended General Fund appropriations to the State and pay or make provisions for the payment of all other liabilities of the fund.

All other principal and accrued interest in the fund must be transferred to the Maine ~~Association of Child Abuse and Neglect Prevention~~ Councils and restricted to the support of primary prevention of child abuse and neglect in the State.

Sec. 12. 36 MRSA §1760, sub-§49, as amended by PL 2005, c. 622, §7, is further amended to read:

49. Child abuse and neglect prevention councils; child advocacy organizations; community action agencies. Sales to:

A. Incorporated, nonprofit child abuse and neglect prevention councils as defined in Title 22, section 3872, subsection 1-A;

B. Statewide organizations that advocate for children and that are members of the Medicaid Advisory Committee; and

C. Community action agencies designated in accordance with Title 22, section 5324.

Sec. 13. 36 MRSA §2557, sub-§13, as amended by PL 2005, c. 622, §11, is further amended to read:

13. Child abuse and neglect prevention councils; child advocacy organizations; community action agencies. Sales to:

A. Incorporated, nonprofit child abuse and neglect prevention councils as defined in Title 22, section 3872, subsection 1-A;

B. Statewide organizations that advocate for children and that are members of the Medicaid Advisory Committee; and

C. Community action agencies designated in accordance with Title 22, section 5324;

Sec. 14. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 22, chapter 1057, in the chapter headnote, the words "child abuse and neglect councils" are amended to read "child abuse and neglect prevention councils" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 205

H.P. 419 - L.D. 581

An Act To Allow Law Enforcement Officers To Obtain a Personal Recognizance Bond in Certain Cases

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

Sec. 1. 14 MRSA §3135, 2nd ¶, as amended by PL 1987, c. 708, §10, is further amended to read:

After a civil order of arrest has been issued, the sheriff shall cause the individual named in the order to be arrested and shall deliver ~~him~~ the individual without undue delay to the division of the District Court designated in the civil order of arrest or obtain from the debtor a personal recognizance bond to appear in court at the specified date and time. Should the debtor fail to appear at that time a warrant may issue for the debtor's arrest. The sheriff may take such steps ~~as he determines~~ determined necessary for ~~his~~ the sheriff's safety or the safety of others then present, including searching the debtor for weapons, if ~~he~~ the sheriff has a reasonable suspicion that the debtor has a weapon, and handcuffing the debtor if that is necessary to transport the debtor to the court or to cause the debtor to remain peaceably at the court. Upon arrival at the court, the sheriff shall notify the clerk or bailiff that the debtor is present and may release the debtor into the custody of the bailiff. The sheriff shall instruct the debtor that the debtor must wait at the court until re-