

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

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Augusta, Maine
2011

available, upon request, by regular mail at no cost to the requestor.

See title page for effective date.

CHAPTER 34

H.P. 179 - L.D. 202

An Act To Modify Child Support Enforcement Procedures

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

Sec. 1. 14 MRSA §3128-A, sub-§3, as enacted by PL 1995, c. 419, §8, is amended to read:

3. Duration. The order continues in effect for ~~6 months~~ one year or until the obligor finds work, whichever occurs first.

Sec. 2. 19-A MRSA §2006, sub-§5, ¶C, as amended by PL 2009, c. 290, §13, is further amended to read:

C. The subsistence needs of the nonprimary care provider must be taken into account when establishing the parental support obligation. If the annual gross income of the nonprimary care provider is less than the federal poverty guideline, the nonprimary care provider's weekly parental support obligation ~~for each child for whom a support award is being established or modified~~ may not exceed 10% of the nonprimary care provider's weekly gross income, regardless of the amount of the parties' combined annual gross income. The child support table includes a self-support reserve for obligors earning \$22,800 or less per year. If, within an age category, the nonprimary care provider's annual gross income, without adjustments, is in the self-support reserve for the total number of children for whom support is being determined, the amount listed in the self-support reserve multiplied by the number of children in the age category is the nonprimary care provider's support obligation for the children in that age category, regardless of the parties' combined annual gross income. The nonprimary care provider's proportional share of childcare, health insurance premiums and extraordinary medical expenses are added to this basic support obligation. This paragraph does not apply if its application would result in a greater support obligation than a support obligation determined without application of this paragraph.

Sec. 3. 19-A MRSA §2369, first ¶, as amended by PL 2001, c. 264, §12, is further amended to read:

The receipt of public assistance for a child constitutes an assignment by the recipient to the department of all rights to support for the child and spousal support, ~~including any support unpaid at the time of assignment, as long as public assistance is paid that accrue during the period that the recipient receives public assistance for the child.~~

See title page for effective date.

CHAPTER 35

H.P. 336 - L.D. 443

An Act To Require Prompt MaineCare Decisions on Care for Children with Life-threatening Conditions

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

Sec. 1. 22 MRSA §3174-QQ is enacted to read:

§3174-QQ. Care for children with life-threatening conditions

The department shall make decisions approving or disapproving care or services for children with life-threatening conditions who are members in the MaineCare program within one working day of receiving a complete urgent request or order from the health care provider or providers for the child.

See title page for effective date.

CHAPTER 36

H.P. 317 - L.D. 391

An Act Concerning Models for Teacher and Principal Evaluations

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

Sec. 1. 20-A MRSA §13802, sub-§1, as amended by PL 2009, c. 646, §2, is further amended to read:

1. Department to propose models. The department shall ~~establish~~ propose models for evaluation of the professional performance of teachers and principals employed in a school administrative unit within the State. The models must include multiple measures.

Sec. 2. 20-A MRSA §13802, sub-§2, as amended by PL 2009, c. 646, §2, is further amended to read:

2. Use of models. Each school administrative unit within the State may select and incorporate one or more of the models ~~developed~~ proposed pursuant to subsection 1 for the evaluation of the professional performance of a teacher or principal employed by that school administrative unit. ~~If a school administrative unit wants to include student assessments as part of teacher evaluations, that school administrative unit must use one of the models developed pursuant to subsection 1.~~ Nothing in this section prevents a school administrative unit from developing and adopting its own models for teacher and principal evaluation.

Sec. 3. PL 2009, c. 646, §3 is amended to read:

Sec. 3. Review of models. The Commissioner of Education shall convene a stakeholder group to review the models ~~developed~~ proposed by the Department of Education pursuant to the Maine Revised Statutes, Title 20-A, section 13802 for the evaluation of the professional performance of teachers and principals who are employed by a school administrative unit within the State. The Commissioner of Education, or the commissioner's designee, shall serve as a member of the stakeholder group. The commissioner shall invite representatives of the following educational associations that are appointed by their respective associations to serve as members of the stakeholder group:

1. The Maine Education Association;
2. The Maine Principals' Association;
3. The Maine School Boards Association;
4. The Maine School Superintendents Association; and
5. The Maine Administrators of Services for Children with Disabilities.

The stakeholder group shall review the models ~~developed~~ proposed by the Department of Education for the evaluation of the professional performance of teachers and principals ~~and shall approve models no later than July 1, 2011.~~ The Department of Education may not ~~finally adopt~~ put forth a model that is not approved by a majority vote of the stakeholder group pursuant to this section.

See title page for effective date.

CHAPTER 37

S.P. 114 - L.D. 401

An Act To Enhance Penalties To Protect Senior Investors

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

Sec. 1. 32 MRSA §16412, sub-§3, as amended by PL 2007, c. 14, §7, is further amended to read:

3. Disciplinary penalties, licensees. If the administrator finds that the order is in the public interest and subsection 4, paragraph A, B, C, D, E, F, H, I, J, L or M authorizes the action, an order under this chapter may censure, impose a bar on or impose a civil fine in an amount not to exceed a maximum of \$5,000 per violation on a licensee. For a violation involving an investor 65 years of age or older, the amount of the civil fine may be doubled to an amount not to exceed a maximum of \$10,000 per violation.

Sec. 2. 32 MRSA §16603, sub-§2, ¶B, as enacted by PL 2005, c. 65, Pt. A, §2, is amended to read:

B. Order other appropriate or ancillary relief, which may include:

(1) An asset freeze, accounting, writ of attachment, writ of general or specific execution and appointment of a receiver or conservator, which may be the administrator, for the defendant or the defendant's assets;

(2) Ordering the administrator to take charge and control of a defendant's property, including investment accounts and accounts in a depository institution, rents and profits, to collect debts and to acquire and dispose of property;

(3) Imposing a civil fine not to exceed \$10,000 per violation or an order of rescission, restitution or disgorgement directed to a person that has engaged in an act, practice or course of business constituting a violation of this chapter or the predecessor act or a rule adopted or order issued under this chapter or the predecessor act; ~~and~~

(4) Ordering the payment of prejudgment and postjudgment interest; ~~or~~ and

(5) Doubling the amount of a civil fine, not to exceed a maximum of \$20,000 per violation, and doubling the amount of a monetary remedy, other than a civil fine, without limitation for a violation involving an investor 65 years of age or older; or

Sec. 3. 32 MRSA §16604, sub-§4, as enacted by PL 2005, c. 65, Pt. A, §2, is amended to read:

4. Civil fine; final orders and remedies. In a final order under subsection 3, the administrator may: order remedies described in subsection 1; censure that person; bar that person from association with any issuer, broker-dealer or investment adviser in this State; or impose a civil fine not to exceed \$5,000 per violation. For a violation involving an investor 65 years of age or older, the amount of the civil fine may be dou-