

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

Sec. 3. Parental involvement initiative. In collaboration with organizations representing school boards, school administrators, teachers, parents, students and other community members, the Commissioner of Education shall review parental involvement initiatives developed in this State and other jurisdictions that promote improvement in student learning and academic achievement. The commissioner shall select exemplary parental involvement initiatives and shall post prominently, or include links to, the selected initiatives on the Department of Education's publicly accessible website. The commissioner shall disseminate information in writing to school administrative units on the selected initiatives no later than December 31, 2012 and shall strongly encourage each school board to adopt local procedures for implementing a districtwide parental involvement initiative as school board policy. The exemplary parental involvement initiatives selected by the commissioner must include:

1. Provisions that promote parental involvement in ways that result in improvement in student learning and academic achievement and that provide opportunities for continuous engagement and ongoing partnerships between school boards, administrators, teachers, parents, students and other community members;

2. Procedures that may be used by those school administrative units that choose to develop local districtwide parental involvement initiatives for adoption as school board policy; and

3. Procedures for school administrative units to designate a contact person or persons who provide guidance and relevant information to parents regarding their child's education, opportunities to participate in particular school-based programs or specific information pertaining to particular school policies or programs. The procedures may include protocols for providing parents with contact information for the designated contact person or persons, including posting the contact information on the school administrative unit's publicly accessible website.

See title page for effective date.

CHAPTER 572

H.P. 1337 - L.D. 1813

An Act To Amend the Laws Governing Confidentiality of Health Care Information

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, prescribers and dispensers of scheduled drugs may be prohibited by health information

privacy laws from informing law enforcement personnel about suspected drug diversion, which puts emergency health care workers at risk of violence; and

Whereas, emergency health care workers will remain at greater risk of violence unless the law governing disclosure of certain information to law enforcement personnel is clarified; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 22 MRSA §1711-C, sub-§6, ¶E, as amended by PL 1999, c. 512, Pt. A, §5 and affected by §7 and c. 790, Pt. A, §§58 and 60, is further amended to read:

E. To federal, state or local governmental entities in order to protect the public health and welfare when reporting is required or authorized by law ~~or~~ to report a suspected crime against the health care practitioner or facility or to report information that the health care facility's officials or health care practitioner in good faith believes constitutes evidence of criminal conduct that occurred on the premises of the health care facility or health care practitioner;

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 30, 2012.

CHAPTER 573

S.P. 639 - L.D. 1844

An Act To Amend the Laws Governing the Governor's Training Initiative Program

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

Sec. 1. 5 MRSA §13070-J, sub-§1, ¶D, as amended by PL 2011, c. 380, Pt. HHHH, §1, is further amended to read:

D. "Economic development incentive" means federal and state statutorily defined programs that receive state funds, dedicated revenue funds and tax expenditures as defined by section 1666 whose purposes are to create, attract or retain business entities related to business development in the State, including but not limited to:

- (1) Assistance from Maine Quality Centers under Title 20-A, chapter 431-A;
- (2) The Governor's ~~Training Jobs~~ Initiative Program under Title 26, chapter 25, subchapter 4;
- (3) Municipal tax increment financing under Title 30-A, chapter 206;
- (4) The jobs and investment tax credit under Title 36, section 5215;
- (5) The research expense tax credit under Title 36, section 5219-K;
- (6) Reimbursement for taxes paid on certain business property under Title 36, chapter 915;
- (7) Employment tax increment financing under Title 36, chapter 917;
- (8) The shipbuilding facility credit under Title 36, chapter 919;
- (9) The credit for seed capital investment under Title 36, section 5216-B;
- (10) The credit for pollution-reducing boilers under Title 36, section 5219-Z; and
- (11) The credit for Maine fishery infrastructure investment under Title 36, section 5216-D.

Sec. 2. 26 MRSA §2031, as amended by PL 2009, c. 213, Pt. JJJ, §1, is further amended to read:

§2031. Governor's Jobs Initiative Program

1. Program established. The Governor's ~~Training Jobs~~ Initiative Program, referred to in this section as the "program," is established to encourage high-quality job creation and expansion by directly linking the education and training resources of this State to job opportunities. ~~The~~ To the extent of available resources, the program develops and coordinates training for firms intending to expand or locate in this State, reorganize a workplace to remain competitive or upgrade worker skills by providing essential work competencies such as computer literacy, problem-solving strategies, critical thinking skills, math and science proficiency and team-building skills.

2. Administration. The program is administered jointly by the Department of Labor and the Department of Economic and Community Development under rules and operating procedures adopted by the Commissioner of Labor and the Commissioner of Economic and Community Development. Administrative costs are limited to 5% of program funds.

3. Interdepartmental review team. An application for funding under the program must be reviewed by an interdepartmental review team. The review team consists of 2 representatives from the Department of Labor, one of whom must be from the Center

for Workforce Research and Information, and 2 representatives from the Department of Economic and Community Development.

4. Criteria for program funding. The following criteria must be demonstrated to the committee by an applicant at the time of application. An applicant shall:

- A. Work with the Department of Labor to analyze the occupational skills of the unemployed work force in the designated labor market;
- B. Provide a statement of commitment to long-term operation in this State; and
- C. Comply with any other criteria that has been adopted by the Commissioner of Labor in accordance with the Maine Administrative Procedure Act.

5. Selection preference. Preference must be given to an applicant that substantiates one or more of the following at the time of application:

- A. Formation of a local project partnership;
- B. Employer willingness to leverage matching funds;
- C. Investment in the lifelong learning and skills development of citizens of this State;
- D. An increase in the local education and training capacity to support more than one employer that is caused by a proposed project;
- E. Provision of high-wage or high-skill employment, employee benefits and job security;
- F. Employer intention to expand or locate in economically depressed areas of this State;
- G. Employer willingness to hire new labor force entrants, economically disadvantaged individuals, persons with disabilities or dislocated workers; or
- H. Employer willingness to provide a registered apprenticeship for current employees or new hires.

6. Services. Services that may be funded by the program include, but are not limited to:

- A. Recruitment;
- B. Screening and assessment;
- C. Workplace literacy;
- D. Workplace safety;
- E. Technical training;
- F. On-the-job training;
- G. Higher education;
- H. Essential work competencies;
- I. Job task analysis;

- J. Coordination of employer consortia to access specialized training;
- K. Technical assistance on work force capacity issues;
- L. Technical assistance on worker training plans;
- M. Small business training and technical assistance; and
- N. Supportive services.

7. Program standards. The standards used by the Department of Labor and the Department of Economic and Community Development to evaluate the success of a project must include, but are not limited to:

- A. The number of jobs created or retained in the project and participant demographics;
- B. The cost per participant;
- C. The average wage paid and benefits provided to participants at training completion;
- D. The skills required by the participant to obtain jobs through the training program;
- E. The number and percentage of participants who do not complete each program; and
- F. The return on investment.

8. Eligibility for funding. Applicants eligible to receive funding from the program include, but are not limited to, employers, regional and local economic development agencies or partnerships, community-based organizations, job training service providers, registered apprenticeship service providers, local adult education providers and postsecondary education institutions.

An applicant that is not a business shall demonstrate, in partnership with a business or a consortium of businesses, the ability to link training services with actual job creation, expansion, upgrade or retention. Training provided under this section is considered approved training under the unemployment insurance laws and the laws regarding dislocated workers administered by the Department of Labor.

Training funds authorized under this section must be paid to the employer on a reimbursement basis.

9. Report. ~~The For any year in which the program is funded, the~~ Commissioner of Labor and the Commissioner of Economic and Community Development shall provide, to the joint standing committee of the Legislature having jurisdiction over labor ~~mat- ters and the joint standing committee of the Legisla- ture having jurisdiction over business, commerce, re- search~~ and economic development matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs; an annual report by March 1st of ~~each the next~~ year,

which must include, for each business assisted under this subchapter, the name and location of ~~each the~~ business, the number of individuals trained or re-trained, the dollar amount expended and, when applicable, the number of new jobs created.

10. Rules. Rules adopted pursuant to this subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

11. Nonlapsing funds. Any unencumbered balance of General Fund appropriations remaining at the end of each fiscal year in this program may not lapse but must be carried forward to be used for the same purposes.

Sec. 3. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 26, chapter 25, subchapter 4, in the subchapter headnote, the words "governor's training initiative program" are amended to read "governor's jobs initiative program" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 574

H.P. 1399 - L.D. 1895

**An Act To Protect Consumers
by Strengthening the Laws
Governing Prepaid Home
Heating Oil Contracts**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, several home heating oil retailers have abruptly closed their businesses; and

Whereas, many customers of these retailers were owed heating oil and were left without a refund or the oil, and the current laws have been unable to sufficiently protect these customers; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 10 MRSA §1110, sub-§§1-A and 1-B are enacted to read:

1-A. Registration. A home heating oil, kerosene or liquefied petroleum gas dealer who offers prepaid