

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

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

Augusta, Maine
2013

out under section 4703 and multiple opportunities. Achievement may be demonstrated by evidence documented by course and learning experiences using multiple measures, such as, but not limited to, examinations, quizzes, portfolios, performances, exhibitions ~~and~~, projects and community service.

Sec. 2. 20-A MRSA §4722-A, sub-§2, as enacted by PL 2011, c. 669, §7, is amended to read:

2. Method of gaining and demonstrating proficiency. Students must be allowed to gain proficiency through multiple pathways, as described in section 4703, and must be allowed to demonstrate proficiency by presenting multiple types of evidence, including but not limited to teacher-designed or student-designed assessments, portfolios, performance, exhibitions ~~and~~, projects and community service.

See title page for effective date.

CHAPTER 177

S.P. 169 - L.D. 437

An Act To Amend the State General Permit Process for Tidal Power To Remove a Conflict with a Federal Permit Requirement

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

Sec. 1. 38 MRSA §636-A, sub-§3, ¶D, as enacted by PL 2009, c. 270, Pt. D, §8, is amended to read:

D. A copy of an environmental assessment issued by the Federal Energy Regulatory Commission for the proposed tidal energy demonstration project that includes a finding of "no significant environmental impact" pursuant to the National Environmental Policy Act of 1969, Public Law 91-190, 42 United States Code, Chapter 55, although the department may accept an application as complete for processing prior to the Federal Energy Regulatory Commission's issuance of a finding of no significant environmental impact; and

Sec. 2. 38 MRSA §636-A, sub-§4, as enacted by PL 2009, c. 270, Pt. D, §8, is amended to read:

4. Notification. The department shall notify an applicant in writing within 60 days of its acceptance of the application as complete for processing or within 30 days of the Federal Energy Regulatory Commission's issuance of a finding of no significant environmental impact, whichever later occurs, if the department determines that the requirements of this section have not been met. The notification must specifically cite the

requirements of this section that have not been met. If the department has not notified the applicant under this subsection within the specified time period, a general permit is deemed to have been granted.

See title page for effective date.

CHAPTER 178

H.P. 1089 - L.D. 1516

An Act To Allow Certain Military Personnel To Administer Oaths and Perform the Duties of a Notary Public

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

Sec. 1. 37-B MRSA §390-C is enacted to read:

§390-C. Administration of oaths and notarial acts

1. Power to administer oaths. A commissioned or warrant officer of the state military forces and other personnel of the state military forces authorized to administer oaths under the laws of this State may administer oaths for the purpose of the administration of military justice and for other purposes of military administration, including administering enlistment oaths to persons enlisting or reenlisting in the National Guard. A commissioned or warrant officer of the United States Armed Forces may administer enlistment oaths to persons enlisting or reenlisting in the National Guard.

2. Powers of notary public. A judge advocate or paralegal serving in the state military forces has, by virtue of the judge advocate's or paralegal's office and service, the powers of a notary public in the performance of all notarial acts to be executed for any member of the state military forces or United States Armed Forces or spouse of a member of the state military forces or United States Armed Forces. A fee may not be paid to or received by any person for the performance of a notarial act authorized in this subsection. The signature of any such person acting as a notary, together with that person's official title, is prima facie evidence that the signature is genuine, that the person holds the designated title and that the person is authorized to perform a notarial act. A notarization or acknowledgment accomplished under the authority of this subsection must generally follow the form below but is not required to be under official seal:

I, (name of notary public), certify that the foregoing instrument was subscribed and (sworn/affirmed) before me this (day of the month) day of (month), (year) by (name of person making statement), (state military

forces or United States Armed Forces service number/social security number, and who is known to me to be (a member of the state military forces or United States Armed Forces/the spouse of a member of the state military forces or United States Armed Forces).

See title page for effective date.

CHAPTER 179

S.P. 511 - L.D. 1417

An Act To Amend the Laws Governing Certain Human Services Licensing and Certification Requirements

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

Sec. 1. 5 MRSA §19508, as amended by PL 2005, c. 662, Pt. A, §3, is further amended to read:

§19508. Application to residents in children's homes

This chapter also applies to children with disabilities in children's homes, emergency children's shelters, family foster homes, specialized children's homes and children's residential child care facilities, as defined in Title 22, section 8101, and to other residential educational facilities, including the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf and other similar facilities.

Sec. 2. 17-A MRSA §253, sub-§2, ¶G, as amended by PL 2009, c. 211, Pt. B, §15, is further amended to read:

G. The other person, not the actor's spouse, has not attained the age of 18 years and is a resident in or attending a children's home, ~~day child care facility, facility operated by a family child care provider,~~ children's residential child care facility, drug treatment center, youth camp licensed under Title 22, section 2495 or similar school, facility or institution regularly providing care or services for children, and the actor is a teacher, employee or other person having instructional, supervisory or disciplinary authority over the other person. Violation of this paragraph is a Class C crime;

Sec. 3. 20-A MRSA §1, sub-§24-A, ¶¶A and D, as enacted by PL 1985, c. 789, §§1 and 9, are amended to read:

A. An "emergency children's shelter," which is a facility operated by a corporation and licensed for the purpose of providing board and care to no more than 10 children over the age of 12 years, who may be runaways or abused children or

whose well-being is jeopardized by some other crisis or emergency, and providing services to a child for not more than 21 consecutive days, except with special permission;

D. A "children's residential child care facility," which provides board and care for one or more children on a regular, 24-hours-a-day, residential basis. A children's residential child care facility does not mean family foster home, specialized children's home or an emergency children's shelter facility. The term includes, but is not limited to:

(1) A "group home," which is a children's residential child care facility operated by a corporation and licensed for the purpose of providing board and care for up to 10 children;

(2) A "residential agency," which is a children's residential child care facility operated by a corporation and licensed for the purpose of providing board and care to more than 10 children;

(3) A "residential treatment center," which is a children's residential child care facility operated by a corporation and licensed for the purpose of providing ~~therapeutically planned~~ therapeutically planned, group living situations within which educational, recreational, medical and sociopsychotherapeutic components are ~~integrated~~ integrated for children whose present handicaps preclude community outpatient treatment;

(4) A "residential treatment facility," which is a children's residential child care facility operated by a corporation and licensed for the purpose of providing board, care and treatment for more than 10 moderately to severely handicapped children and which does not contain an educational component; and

(5) A "therapeutic group home," which is a children's residential child care facility operated by a corporation and licensed for the purpose of providing board, care and treatment for up to 10 moderately to severely handicapped children.

Sec. 4. 20-A MRSA §7001, sub-§8, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

8. Children's residential care facility. "~~Residential child~~ Children's residential care facility" is a facility defined in Title 22, section 8101, subsection 4.

Sec. 5. 22 MRSA §1812-K is enacted to read: