

# 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 SPECIAL SESSION**  
**August 29, 2013**

**SECOND REGULAR SESSION**  
**January 8, 2014 to May 2, 2014**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**EMERGENCY LAW IS**  
**SEPTEMBER 6, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 1, 2014**

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

---

---

**Augusta, Maine**  
**2014**

~~imum standards. The Department of Education and the Bureau of General Services shall adopt rules necessary to implement this subsection. Rules adopted by the Department of Education and the Bureau of General Services to implement this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter II-A.~~

**Sec. 8. 20-A MRSA §4502, sub-§4-A**, as enacted by PL 1989, c. 889, §7, is amended to read:

**4-A. Affirmative action plan.** Each school administrative unit shall develop an affirmative action plan in accordance with Title 5, chapter 65 as part of the school approval process and update this plan annually as necessary. The affirmative action plan must include a description of the status of the unit's nondiscriminatory hiring practice provided in section 1001, subsection 13, and plans for in-service training programs on gender equity for teachers, administrators and school boards, ~~and a plan for meeting the 5 year goal established under section 254, subsection 9.~~ The unit shall submit any update of the plan annually to the commissioner.

**Sec. 9. 20-A MRSA §4709, sub-§3**, as enacted by PL 1991, c. 292, §1, is repealed.

**Sec. 10. 20-A MRSA §4801, sub-§1, ¶E**, as enacted by PL 1991, c. 622, Pt. DD, §2, is repealed.

**Sec. 11. 20-A MRSA §5802-A**, as enacted by PL 1989, c. 916, §1 and amended by PL 2003, c. 689, Pt. B, §6, is repealed.

**Sec. 12. 20-A MRSA §5807**, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

**Sec. 13. 20-A MRSA §6103, sub-§3-B**, as enacted by PL 2005, c. 519, Pt. I, §2, is repealed.

**Sec. 14. 20-A MRSA §6209-A**, as amended by PL 2007, c. 259, §6, is repealed.

**Sec. 15. 20-A MRSA §13405**, as enacted by PL 2005, c. 635, §5, is repealed.

**Sec. 16. 20-A MRSA §15681, sub-§2-A, ¶A**, as enacted by PL 2005, c. 635, §7, is repealed.

**Sec. 17. 20-A MRSA §15905, sub-§6**, as enacted by PL 1995, c. 632, §2, is amended to read:

**6. Facility maintenance plan required.** The state board shall require a school administrative unit applying for state funds for a school construction project to establish a facility maintenance plan for the projected life cycle of the proposed school building. ~~The department shall provide technical assistance to school administrative units in carrying out this section. Assistance must include, but is not limited to, the provision of a model facility maintenance plan and the provision of technical and other assessment information from the school facilities inventory under section 15917.~~

**Sec. 18. 20-A MRSA §15918**, as enacted by PL 1997, c. 787, §11, is repealed and the following enacted in its place:

**§15918. Maintenance and capital improvement plan assistance**

The department, within existing resources, shall support facility maintenance and capital planning training for school administrative units.

**Sec. 19. Department rules.** Rules adopted to implement the Maine Revised Statutes, Title 20-A, section 4001, subsection 7 and section 15918, which are repealed by this Act, related to the establishment of a school facilities maintenance template and software and the delivery of technical assistance to school administrative units to implement maintenance and capital improvement programs for school facilities are void and have no effect. Notwithstanding any other provision of law, amendments to the rules to remove these provisions are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

---



---

**CHAPTER 507**

**S.P. 709 - L.D. 1782**

**An Act To Make Technical Amendments to the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act and a Related Provision in the Maine Revised Statutes, Title 20-A**

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

**Sec. 1. 16 MRSA §703, sub-§2, ¶E**, as enacted by PL 2013, c. 267, Pt. A, §2, is amended to read:

E. Information disclosing that a criminal proceeding has been ~~indefinitely~~ postponed for a period of more than one year or dismissed because the person charged is found by the court to be mentally incompetent to stand trial or to be sentenced;

**Sec. 2. 16 MRSA §703, sub-§2, ¶F**, as enacted by PL 2013, c. 267, Pt. A, §2, is amended to read:

F. Information disclosing that a criminal charge has been filed, if ~~the filing period is indefinite or for more than one year~~ has elapsed since the date of the filing;

**Sec. 3. 16 MRSA §705, sub-§3**, as enacted by PL 2013, c. 267, Pt. A, §2, is amended to read:

**3. Required inquiry to State Bureau of Identification.** A Maine criminal justice agency, other than a court, shall query the Department of Public Safety, State Bureau of Identification before disseminating any confidential criminal history record information for a noncriminal justice purpose to ensure that the most up-to-date disposition information is being used. "Noncriminal justice purpose" means a purpose other than for the administration of criminal justice or criminal justice agency ~~use~~ employment.

**Sec. 4. 16 MRSA §804, first ¶,** as enacted by PL 2013, c. 267, Pt. A, §3, is amended to read:

Except as provided in sections 805 and 806, a record that is or contains intelligence and investigative record information is confidential and may not be disseminated by a Maine criminal justice agency to any person or public or private entity if there is a reasonable possibility that public release or inspection of the record would:

**Sec. 5. 16 MRSA §805, sub-§3, ¶B,** as enacted by PL 2013, c. 267, Pt. A, §3, is amended to read:

B. A court rule ~~or~~ court order or court decision of this State or of the United States.

**Sec. 6. 16 MRSA §806, sub-§1,** as enacted by PL 2013, c. 267, Pt. A, §3, is amended to read:

**1. A government agency responsible for investigating child or adult abuse, neglect or exploitation or regulating facilities and programs providing care to children or adults.** A government agency or subunit of a government agency in this State or another state that pursuant to statute is responsible for investigating abuse, neglect or exploitation of children or incapacitated or dependent adults or for licensing or regulating the programs or facilities that provide care to children or incapacitated or dependent adults if the intelligence and investigative record information ~~is used in~~ concerns the investigation of suspected abuse, neglect or exploitation;

**Sec. 7. 16 MRSA §806, sub-§2,** as enacted by PL 2013, c. 267, Pt. A, §3, is amended to read:

**2. A crime victim or that victim's agent or attorney.** A crime victim or that victim's agent or attorney. As used in this subsection, "agent" means a licensed professional investigator, an insurer or an immediate family member, foster parent or guardian if due to death, age or physical or mental disease, disorder or defect the victim cannot realistically act on the victim's own behalf; or

**Sec. 8. 16 MRSA §807,** as enacted by PL 2013, c. 267, Pt. A, §3, is amended to read:

**§807. Confirming existence or nonexistence of confidential intelligence and investigative record information**

A Maine criminal justice agency may not confirm the existence or nonexistence of intelligence and investigative record information confidential under section 804 to any person or public or private entity that is not eligible to receive the information itself.

**Sec. 9. 16 MRSA §809,** as enacted by PL 2013, c. 267, Pt. A, §3, is amended to read:

**§809. Unlawful dissemination of confidential intelligence and investigative record information**

**1. Offense.** A person is guilty of unlawful dissemination of confidential intelligence and investigative record information if the person intentionally disseminates intelligence and investigative record information confidential under section 804 knowing it to be in violation of any of the provisions of this chapter.

**2. Classification.** Unlawful dissemination of confidential intelligence and investigative record information is a Class E crime.

**Sec. 10. 20-A MRSA §6103, sub-§1,** as amended by PL 2013, c. 267, Pt. B, §14, is further amended to read:

**1. Criminal history record information obtained; reliance.** The commissioner shall obtain criminal history record information containing a record of ~~confidential~~ public criminal history record information as defined in Title 16, section 703, subsection ~~2~~ 8 from the Maine Criminal Justice Information System for any person applying for certification, authorization, approval or renewal. The commissioner may rely on information provided by the Maine Criminal Justice Information System within 24 months prior to the issuance of a certificate, authorization, approval or renewal.

See title page for effective date.

---



---

**CHAPTER 508**

**H.P. 1159 - L.D. 1588**

**An Act To Amend the Laws Regarding the Maine Correctional Center and To Establish the Bolduc Correctional Facility in Statute**

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

**Sec. 1. 34-A MRSA §3402,** as amended by PL 1985, c. 785, Pt. B, §156, is further amended to read: