

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

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

Augusta, Maine
2015

B. The date of death, as determined from the evidence presented;

C. The municipality, county and place of death, as determined from the evidence presented;

D. The decedent's address, including street address, municipality, county, state and zip code at the time of death;

E. The decedent's marital status at the time of death;

F. The given name of the decedent's surviving spouse, if any; and

G. If known, information necessary to complete the medical certification including the cause and manner of death. If the death occurred from an injury, the court order must include information on how and when the injury occurred. If such information is not known, the order must indicate the lack of available information.

2. Death certificate; identification of court order. A death certificate issued pursuant to this section must identify the court that issued the order on which the death certificate is based and include the date of the court order.

3. Record marked "presumptive." The record of a death registered pursuant to this section must be marked "presumptive."

See title page for effective date.

CHAPTER 194

S.P. 443 - L.D. 1238

An Act To Allow the Release of Child Protective Records to Certain Providers of Child and Adult Services

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

Sec. 1. 22 MRSA §4008, sub-§2, ¶J, as amended by PL 2007, c. 140, §6, is further amended to read:

J. A person making a report of suspected abuse or neglect. The department may only disclose that it has not accepted the report for investigation, unless other disclosure provisions of this section apply; ~~and~~

Sec. 2. 22 MRSA §4008, sub-§2, ¶K, as enacted by PL 2007, c. 140, §7 and amended by PL 2011, c. 657, Pt. W, §5, is further amended to read:

K. The local animal control officer or the animal welfare program of the Department of Agriculture, Conservation and Forestry established pur-

suant to Title 7, section 3902 when there is a reasonable suspicion of animal cruelty, abuse or neglect. For purposes of this paragraph, "cruelty, abuse or neglect" has the same meaning as provided in Title 34-B, section 1901, subsection 1, paragraph B; ~~and~~

Sec. 3. 22 MRSA §4008, sub-§2, ¶L is enacted to read:

L. A person, organization, employer or agency for the purpose of carrying out background or employment-related screening of an individual who is or may be engaged in:

(1) Child-related activities or employment; or

(2) Activities or employment relating to adults with intellectual disabilities, autism, related conditions as set out in 42 Code of Federal Regulations, Section 435.1010 or acquired brain injury.

Sec. 4. 22 MRSA §4008, sub-§6, as enacted by PL 2003, c. 673, Pt. W, §1, is amended to read:

6. Disclosing information; establishment of fees; rules. The department may ~~accept requests and charge fees for research searching and disclosure of disclosing information in~~ its records as provided in this subsection.

A. The department may charge fees for the services listed in paragraph B to any person except the following:

(1) A parent in a child protection proceeding, an attorney who represents a parent in a child protection proceeding or a guardian ad litem in a child protection proceeding when the parent, attorney or guardian ad litem requests the service for the purposes of the child protection proceeding;

(2) An adoptive parent or prospective adoptive parent who requests information in the department's records relating to the child who has been or might be adopted;

(3) A person having the legal authorization to evaluate or treat a child, parent or custodian who is the subject of a record, including a member of a treatment team or group convened to plan for or treat a child or family that is the subject of a record; the information in the record must be requested for the purpose of evaluating or treating the child, parent or custodian who is the subject of the record;

(4) Governmental entities of this State that are not engaged in licensing; and

(5) Governmental entities of any county or municipality of this State that are not engaged in licensing.

~~A request or~~ An order by a court for disclosure of information in records pursuant to subsection 3, paragraph B must be deemed to have been made by the person requesting that the court order the disclosure.

B. The department may charge fees for the following services:

- (1) ~~Researching~~ Searching its records to determine whether a particular person is named in the records;
- (2) Receiving and responding to a request for disclosure of information in department records, whether or not the department grants the request; and
- (3) Disclosing information in department records.

C. The department ~~may~~ shall adopt rules governing requests for the services listed in paragraph B. Those rules may provide for a mechanism for making a request, the information required in making a request, the circumstances under which requests will be granted or denied and any other matter that the department determines necessary to efficiently respond to requests for disclosure of information in the records. The rules must establish a list of specified categories of activities or employment for which the department may provide information for background or employment-related screening pursuant to subsection 2, paragraph L. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

D. The department shall establish a schedule of fees by rule. The schedule of fees may provide that certain classes of persons are exempt from the fees, and it may establish different fees for different classes of persons. All fees collected by the department must be deposited in the General Fund. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

E. A governmental entity that is engaged in licensing may charge an applicant for the fees imposed on it by the department for ~~research and disclosure of~~ searching and disclosing information in its records.

F. This subsection may not be construed to permit or require the department to make a disclosure in any particular case.

See title page for effective date.

**CHAPTER 195
H.P. 910 - L.D. 1338**

**An Act Regarding Legal
Representation in Certain
Eviction Actions**

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

Sec. 1. 4 MRSA §807, sub-§3, ¶S, as reallocated by RR 2013, c. 1, §7, is amended to read:

S. ~~A person~~ An individual who is the sole member of a limited liability company or is a member of a limited liability company that is owned by a married couple ~~or~~, registered domestic partners or an individual and that individual's issue as defined in Title 18-A, section 1-201, subsection (21) who is not an attorney but is appearing for that company in an action for forcible entry and detainer pursuant to Title 14, chapter 709.

~~This paragraph is repealed September 1, 2016.~~

See title page for effective date.

**CHAPTER 196
H.P. 972 - L.D. 1426**

**An Act Regarding the Maine
Registry of Certified Nursing
Assistants and Direct Care
Workers**

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

**Sec. 1. 22 MRSA §1717, sub-§1, ¶¶A-1 to
A-3** are enacted to read:

A-1. "Direct access" means access to the property, personally identifiable information, financial information or resources of an individual or physical access to an individual who is a Medicare or Medicaid beneficiary or other individual served by a provider subject to this chapter.

A-2. "Direct access personnel" means individuals employed in positions that have direct access.

A-3. "Direct care worker" means an individual who by virtue of employment generally provides to individuals direct contact assistance with personal care or activities of daily living or has direct access to provide care and services to clients, patients or residents regardless of setting. "Direct care worker" does not include a certified nursing assistant employed in that person's capacity as a certified nursing assistant.