

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. Has been convicted in a court of law of a crime involving abuse, neglect or misappropriation of property in a health care setting; or~~

~~C. Has a prior criminal conviction within the last 10 years of:~~

~~(1) A crime for which incarceration of 3 years or more may be imposed under the laws of the state in which the conviction occurred; or~~

~~(2) A crime for which incarceration of less than 3 years may be imposed under the laws of the state in which the conviction occurred involving sexual misconduct or involving abuse, neglect or exploitation in a setting other than a health care setting.~~

The department may adopt rules necessary to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 17. 34-B MRSA §1225, first ¶, as reallocated by RR 2009, c. 2, §94, is amended to read:

Beginning October 1, 2010, a facility or health care provider subject to the licensing provisions of section 1203-A ~~shall obtain~~, prior to hiring an individual who will work in direct contact with a consumer, ~~criminal history record information on that individual, including, or who has direct access to a consumer's property, personally identifiable information, financial information or resources, shall obtain a comprehensive background check in accordance with applicable federal and state laws. The comprehensive background check must include,~~ at a minimum, criminal history record information from the Department of Public Safety, State Bureau of Identification. A facility or provider licensed under section 1203-A is subject to the employment restrictions set out in Title 22, section 1812-G and other applicable federal and state laws when employing direct access personnel, as defined in section 1717, subsection 1, paragraph A-2. The facility or health care provider shall pay for the criminal background check required by this section.

Sec. 18. Department implementation. The Department of Health and Human Services shall begin registering direct care workers for training, education or compliance purposes and listing them on the registry established pursuant to the Maine Revised Statutes, Title 22, section 1812-G after the department adopts rules pursuant to Title 22, section 1812-G.

See title page for effective date.

**CHAPTER 197
H.P. 666 - L.D. 967**

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2015-16

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

Whereas, prompt determination and certification of the municipal cost components in the Unorganized Territory Tax District are necessary to the establishment of a mill rate and the levy of the Unorganized Territory Educational and Services Tax; 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. Municipal cost components for services rendered. In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 2015-16 is as follows:

Audit - Fiscal Administration	\$254,952
Education	12,129,121
Forest Fire Protection	150,000
Human Services - General Assistance	55,750
Property Tax Assessment - Operations	950,000
Maine Land Use Planning Commission - Operations	529,025
TOTAL STATE AGENCIES	\$14,068,848

County Reimbursements for Services:

Aroostook	\$1,216,139
Franklin	1,029,624
Hancock	223,152
Kennebec	12,115

Oxford	1,247,937
Penobscot	1,033,537
Piscataquis	1,008,711
Somerset	1,463,162
Washington	870,612
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TOTAL COUNTY SERVICES	\$8,104,989
COUNTY TAX INCREMENT FINANCING DISTRIBUTIONS FROM FUND	
Tax Increment Financing Payments	\$2,800,000
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TOTAL REQUIREMENTS	\$24,973,837
COMPUTATION OF ASSESSMENT	
Requirements	\$24,973,837
Less Deductions:	
General -	
State Revenue Sharing	\$0
Homestead Reimbursement	93,945
Miscellaneous Revenues	16,000
Transfer from unassigned fund balance	2,400,000
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TOTAL GENERAL DEDUCTIONS	\$2,509,945
Educational -	
Land Reserved Trust	\$70,000
Tuition/Travel	124,516
United States Forestry Payment in Lieu of Taxes	15,000
Special - Teacher Retirement	208,801
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TOTAL EDUCATION DEDUCTIONS	\$418,317
TOTAL DEDUCTIONS	\$2,928,262
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TAX ASSESSMENT	\$22,045,575

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

Effective June 16, 2015.

**CHAPTER 198
H.P. 222 - L.D. 328**

**An Act To Allow Personal
Representatives of Children
Access to Certain Documents
of the Department of Health
and Human Services
Regarding Child Protective
Activities**

**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 pursuant 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. The personal representative of the estate of a child named in a record who is reported to be abused or neglected.

See title page for effective date.

**CHAPTER 199
H.P. 450 - L.D. 669**

**An Act To Create a Spat
Collection License**

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

Sec. 1. 12 MRSA §6074-A is enacted to read:

§6074-A. Spat collection license

1. Definition. As used in this section, "spat" means sea scallops, *Placopectin magellanicus*, or blue