

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

Sec. 4. 17-A MRSA §1201, sub-§1, ¶A-3 is enacted to read:

A-3. The court sentences the person to a term of imprisonment followed by a period of supervised release as authorized by chapter 50:

Sec. 5. 17-A MRSA §1206, sub-§7-B, as enacted by PL 1989, c. 728, §1, is repealed.

Sec. 6. 17-A MRSA §1231, sub-§6, as amended by PL 2007, c. 344, §4, is further amended to read:

6. The court may revoke a period of supervised release pursuant to section 1233 for any ground specified in subsection 7. If the court revokes a period of supervised release, the court shall require the person to serve time in prison under the custody of the Department of Corrections. This time in prison may equal all or part of the period of supervised release, without credit for time served on post-release supervision. The remaining portion of the period of supervised release that is not required to be served in prison ~~remains in effect to be served, if any, may not run during the time in prison and must resume again~~ after the person's release and is subject to revocation at a later date.

Sec. 7. 17-A MRSA §1252, sub-§4-E, as enacted by PL 2005, c. 673, §4, is amended to read:

4-E. If the State pleads and proves that a crime under section 253 was committed against a person who had not yet attained 12 years of age, the court, notwithstanding subsection 2, shall impose a definite term of imprisonment for any term of years. In determining the basic term of imprisonment as the first step in the sentencing process, the court shall select a term of at least 20 years. The court shall also impose as part of the sentence a period of supervised release to immediately follow that definite term of imprisonment as mandated by section 1231.

See title page for effective date.

**CHAPTER 359
H.P. 406 - L.D. 582**

**An Act To Establish a State
Educational Medicaid Officer**

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

Sec. 1. 22 MRSA §3174-YY is enacted to read:

§3174-YY. State educational Medicaid officer

The commissioner shall designate an appropriate employee within the department as the state educational Medicaid officer to work in coordination with the Department of Education and school administra-

tive units to maximize reimbursement for Medicaid services provided by school administrative units.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF (FORMERLY DHS)**

Office of MaineCare Services 0129

Initiative: Provides funding for a Comprehensive Health Planner II position to serve as a liaison between the State and school administrative units to help schools alleviate the challenges in navigating the complexity of MaineCare billing and improve communication.

GENERAL FUND	2015-16	2016-17
POSITIONS - LEGISLATIVE COUNCIL	1,000	1,000
Personal Services	\$30,970	\$42,292
All Other	\$2,355	\$3,139
GENERAL FUND TOTAL	\$33,325	\$45,431

FEDERAL EXPENDITURES FUND	2015-16	2016-17
POSITIONS - LEGISLATIVE COUNCIL	1,000	1,000
Personal Services	\$30,970	\$42,292
All Other	\$2,355	\$3,139
FEDERAL EXPENDITURES FUND TOTAL	\$33,325	\$45,431

See title page for effective date.

**CHAPTER 360
S.P. 244 - L.D. 651**

**An Act To Amend Maine's Sex
Trafficking and Child Welfare
Laws**

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

Sec. 1. 17-A MRSA §853, sub-§1, ¶B, as enacted by PL 2013, c. 407, §3, is amended to read:

B. The person violates paragraph A and has 2 or more prior convictions in this State for any combination of the Maine offenses listed in this paragraph or for engaging in substantially similar con-

duct to that of the Maine offenses listed in this paragraph in another jurisdiction. The Maine offenses are any violation of this section or section 852, 853-A, 853-B or 855 or attempts to commit any of these crimes. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this paragraph is a Class C crime.

Sec. 2. 22 MRSA §4002, sub-§1, as amended by PL 2007, c. 304, §10, is further amended to read:

1. Abuse or neglect. "Abuse or neglect" means a threat to a child's health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation including under Title 17-A, sections 282, 852, 853 and 855, deprivation of essential needs or lack of protection from these or failure to ensure compliance with school attendance requirements under Title 20-A, section 3272, subsection 2, paragraph B or section 5051-A, subsection 1, paragraph C, by a person responsible for the child.

Sec. 3. 22 MRSA §4002, sub-§1-B, ¶A, as amended by PL 2001, c. 696, §10, is further amended to read:

A. The parent has subjected any child for whom the parent was responsible to aggravated circumstances, including, but not limited to, the following:

- (1) Rape, gross sexual misconduct, gross sexual assault, sexual abuse, incest, aggravated assault, kidnapping, promotion of prostitution, sexual exploitation of a minor, sex trafficking or aggravated sex trafficking, abandonment, torture, chronic abuse or any other treatment that is heinous or abhorrent to society.

Sec. 4. 22 MRSA §4055, sub-§1-A, ¶B, as amended by PL 1995, c. 481, §3, is further amended to read:

B. The victim of any of the following crimes was a child for whom the parent was responsible or the victim was a child who was a member of a household lived in or frequented by the parent and the parent has been convicted of:

- (1) Murder;
- (2) Felony murder;
- (3) Manslaughter;
- (4) Aiding or soliciting suicide;
- (5) Aggravated assault;
- (6) Rape;
- (7) Gross sexual misconduct or gross sexual assault;
- (8) Sexual abuse of minors;

- (9) Incest;
- (10) Kidnapping;
- (11) Promotion of prostitution, sexual exploitation of a minor, sex trafficking or aggravated sex trafficking; or
- (12) A comparable crime in another jurisdiction;

See title page for effective date.

CHAPTER 361

S.P. 257 - L.D. 727

An Act To Allow the Retrofit of Underground Oil Storage Tanks

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

Sec. 1. 38 MRSA §564, sub-§6 is enacted to read:

6. Retrofit of existing underground tanks. The board's rules must allow a person to retrofit a single-walled underground oil storage tank with secondary containment as long as the retrofitted tank complies with Underwriters Laboratories Subject 1316 or 1856 and interstitial monitoring of the retrofitted tank is equal to or greater than interstitial monitoring of a new tank. The board shall require a site assessment of an underground oil storage facility when a tank is retrofitted in accordance with this subsection.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Remediation and Waste Management 0247

Initiative: Provides a one-time appropriation in fiscal year 2015-16 of \$2,500 for rule-making costs related to retrofitting single-walled underground oil storage tanks.

GENERAL FUND	2015-16	2016-17
All Other	\$2,500	\$0
GENERAL FUND TOTAL	\$2,500	\$0

See title page for effective date.
