

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2016 to April 29, 2016

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 29, 2016

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

Augusta, Maine
2016

agency of the State such assistance and data as necessary to carry out its powers and duties.

See title page for effective date.

CHAPTER 380

H.P. 1016 - L.D. 1493

An Act To Provide a Private Support Organization for the Maine Arts Commission

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

Sec. 1. 27 MRSA §410-A is enacted to read:

§410-A. Private support organization

1. Designation of private support organization. The Director of the Maine Arts Commission shall designate a nonprofit organization as the private support organization for the Maine Arts Commission. The designated organization must be incorporated as a nonprofit corporation under the laws of the State, and its sole purpose, as reflected in its bylaws, must be to organize and foster support for the Maine Arts Commission and its programs.

2. Member on board of directors. The Director of the Maine Arts Commission, or the director's designee, shall serve as a member of the private support organization's board of directors.

3. Plan of work. The Director of the Maine Arts Commission shall negotiate an annual memorandum of understanding between the Maine Arts Commission and the private support organization that outlines a plan of work identifying priority projects of mutual benefit and cooperation.

4. Use of property. The Director of the Maine Arts Commission may permit the appropriate use of fixed property, equipment and facilities of the Maine Arts Commission by the private support organization. Such use must be directly in keeping with the purpose of the private support organization as set out in subsection 1 and must comply with all appropriate state policies and procedures.

See title page for effective date.

CHAPTER 381

H.P. 1020 - L.D. 1497

An Act To Align the Child and Family Services and Child Protection Act with the Federal Preventing Sex Trafficking and Strengthening Families Act

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

Whereas, federal law requires Maine to enact changes to state law in compliance with the federal Preventing Sex Trafficking and Strengthening Families Act, Public Law 113-183; and

Whereas, Maine's Child and Family Services and Child Protection Act is out of compliance with Public Law 113-183; and

Whereas, it is necessary for Maine to have authority to provide child welfare services for the protection of children and families prior to the expiration of the 90-day period; 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. 22 MRSA §4008, sub-§3, ¶K, as amended by PL 2013, c. 293, §2, is further amended to read:

K. A relative or other person whom the department is investigating for possible custody or placement of the child; ~~and~~

Sec. 2. 22 MRSA §4008, sub-§3, ¶L, as enacted by PL 2013, c. 293, §3, is amended to read:

L. To a licensing board of a mandated reporter, in the case of a mandated reporter under section 4011-A, subsection 1 who appears from the record or relevant circumstances to have failed to make a required report. Any information disclosed by the department personally identifying a licensee's client or patient remains confidential and may be used only in a proceeding as provided by Title 5, section 9057, subsection 6-; ~~and~~

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

M. Law enforcement authorities for entry into the National Crime Information Center database of

the Federal Bureau of Investigation and to a national information clearinghouse for missing and exploited children operated pursuant to 42 United States Code, Section 5773(b). Information disclosed pursuant to this paragraph is limited to information on missing or abducted children or youth that is required to be disclosed pursuant to 42 United States Code, Section 671(a)(35)(B).

Sec. 4. 22 MRSA §4036-B, sub-§3-A, as enacted by PL 2011, c. 402, §4, is amended to read:

3-A. Notification to relatives. Except as required by family or domestic violence safety precautions, the department shall exercise due diligence to identify and provide notice ~~to all known grandparents and other adult relatives,~~ within 30 days after the removal of a child from the custody of a parent or custodian, to the following relatives: all grandparents; all parents of a sibling of the child who have legal custody of the sibling; and other adult relatives of the child, including any other adult relatives suggested by the parents. For the purposes of this subsection, "sibling" includes an individual who would have been considered a sibling of the child but for a termination or other disruption of parental rights, such as the death of a parent. Failure to comply with this provision does not affect service on a parent or custodian.

Sec. 5. 22 MRSA §4038-B, sub-§4, ¶C, as enacted by PL 2005, c. 372, §6, is amended to read:

C. In the case of a child who is ~~16~~ 14 years of age or older, the permanency plan must determine the services needed to assist the child to make the transition from foster care to independent living.

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

Effective March 1, 2016.

CHAPTER 382

H.P. 1029 - L.D. 1506

An Act To Make Additional Technical Changes to Recently Enacted Tax Legislation Concerning Pension Income

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

Whereas, state tax law needs to be updated before the 90-day period expires to ensure the proper filing and processing of income tax returns for 2015; and

Whereas, legislative action is immediately necessary to ensure continued and efficient administration of the state income 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. 36 MRSA §5122, sub-§2, ¶M-1, as amended by PL 2015, c. 328, §3, is further amended to read:

M-1. For tax years beginning on or after January 1, 2014 but before January 1, 2016, for each individual who is a primary recipient of retirement plan benefits under an employee retirement plan or an individual retirement account, an amount that is the lesser of the aggregate of retirement plan benefits under employee retirement plans or individual retirement accounts included in the individual's federal adjusted gross income and the pension deduction amount reduced by the total amount of the individual's social security benefits and railroad retirement benefits paid by the United States, but not less than \$0. The social security benefits and railroad retirement benefits reduction does not apply to benefits paid under a military retirement plan.

For purposes of this paragraph, the following terms have the following meanings.

(1) "Employee retirement plan" means a state ~~or~~ federal or military retirement plan or any other retirement benefit plan established and maintained by an employer for the benefit of its employees under the Code, Section 401(a), Section 403 or Section 457(b), except that distributions made pursuant to a Section 457(b) plan are not eligible for the deduction provided by this paragraph if they are made prior to age 55 and are not part of a series of substantially equal periodic payments made for the life of the primary recipient or the joint lives of the primary recipient and that recipient's designated beneficiary. "Employee retirement plan" does not include a military retirement plan or survivor benefits under such a plan.

(2) "Individual retirement account" means an individual retirement account under Section 408 of the Code, a Roth IRA under Section 408A of the Code, a simplified employee pension under Section 408(k) of the Code or a simple retirement account for employees under Section 408(p) of the Code.