

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

DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$2,500,000)
SECTION TOTALS	2015-16	2016-17
GENERAL FUND	\$0	(\$1,951,826)
OTHER SPECIAL REVENUE FUNDS	\$0	\$500,000
SECTION TOTAL - ALL FUNDS	\$0	(\$1,451,826)

See title page for effective date, unless otherwise indicated.

**CHAPTER 466
S.P. 84 - L.D. 215**

An Act To Improve Student Retention in Maine's Postsecondary Institutions

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

Sec. 1. 20-A MRS §6902-A is enacted to read:

§6902-A. Postsecondary services

The corporation shall provide services, in accordance with this section and for the purpose of significantly increasing the percentage of eligible students who obtain a postsecondary degree, to postsecondary institutions in the State to assist students in completing a postsecondary course of study.

1. "Eligible student" defined. As used in this section, "eligible student" means a student who:

- A. Has previously been enrolled in a high school program administered by the corporation;
- B. Has been in or currently is in foster care; or
- C. Has earned a high school equivalency diploma through an alternative program within the previous 5 years.

2. Student services. The corporation shall:

- A. Provide academic and social mentoring and counseling to eligible students, including monitoring of academic performance and connection to campus life;
- B. Assist each eligible student in developing an individualized academic plan for completing a

course of study and consider each eligible student's individual academic needs and provide connections to sources of academic support, if necessary;

C. Develop a system of peer mentoring between eligible students and other college students and between eligible students and college graduates; and

D. Provide eligible students with financial guidance relating to postsecondary expenses, including assisting eligible students in obtaining all available sources of financial aid.

Sec. 2. Report. Jobs for Maine's Graduates shall determine methods for implementing the Maine Revised Statutes, Title 20-A, section 6902-A and report its findings to the Joint Standing Committee on Education and Cultural Affairs by December 31, 2016. The committee may report out legislation to the Second Regular Session of the 127th Legislature.

See title page for effective date.

**CHAPTER 467
H.P. 734 - L.D. 1065**

An Act To Amend the Law Regarding Temporary Powers of Attorney over Minors and To Require Organizations To Screen Agents before Providing Care

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

Sec. 1. 18-A MRS §5-104, sub-§(a), as amended by PL 2011, c. 43, §1, is further amended to read:

(a). A parent or guardian of a minor or incapacitated person, by a properly executed power of attorney, may delegate to another person, for a period not exceeding 12 months, any of that parent's or guardian's powers regarding care, custody or property of the minor child or ward, except the power to consent to marriage or adoption of a minor ward or termination of parental rights to the minor. A delegation by a court-appointed guardian becomes effective only when the power of attorney is filed with the court. A delegation of powers under this section does not deprive the parent or guardian of any parental or legal authority regarding the care and custody of the minor or incapacitated person.

Sec. 2. 18-A MRS §5-104, sub-§(c) is enacted to read:

(c). This subsection applies when a parent or guardian executes a power of attorney under subsec-

tion (a) for the purpose of providing for the temporary care of a minor.

(1). The execution of a power of attorney under subsection (a), without other evidence, does not constitute abandonment, abuse or neglect. A parent or guardian of a minor may not execute a power of attorney with the intention of permanently avoiding or divesting the parent or guardian of parental and legal responsibility for the care of the minor. Upon the expiration or termination of the power of attorney, the minor must be returned to the custody of the parent or guardian as soon as reasonably possible unless otherwise ordered by the court.

(2). Unless the power of attorney is terminated, the agent named in the power of attorney shall exercise parental or legal authority on a continuous basis without compensation from the State for the duration of the power of attorney authorized by subsection (a). Nothing in this subsection disqualifies the agent from applying for and receiving benefits from any state or federal program of assistance for the minor or the agent. Nothing in this subsection prevents individuals or religious, community or other charitable organizations from voluntarily providing the agent with support related to the care of the minor while the minor is in the temporary care of the agent.

(3). A minor may not be considered placed in foster care or in any way a ward of the State by virtue of the parent's or guardian's execution of a power of attorney authorized by subsection (a). The agent named in the power of attorney may not be considered a family foster home by virtue of the parent's or guardian's execution of a power of attorney authorized by subsection (a) and is not subject to any laws regarding the licensure or regulation of family foster homes unless licensed as a family foster home. Nothing in this subsection disqualifies the agent from being or becoming a family foster home licensed by the State or prevents the placement of the minor in the agent's care if the minor enters state custody.

(4). An organization, other than an organization whose primary purpose is to provide free legal services, that is exempt from federal income taxation under Section 501(a) of the United States Internal Revenue Code of 1986 as an organization described by Section 501(c)(3) and that assists parents or guardians with the process of executing a power of attorney for the temporary care of a minor shall ensure that a background check is conducted for the agent and any adult members of the agent's household, whether by completing the background check directly or by verifying that a current background check has already been conducted. The background check must include the

following sources, and the results must be shared with the parent or guardian and the proposed agent:

(i) A screening for child and adult abuse, neglect or exploitation cases in the records of the Department of Health and Human Services; and

(ii) A criminal history record check that includes information obtained from the Federal Bureau of Investigation.

The organization shall maintain records on the training and background checks of agents, including the content and dates of training and full transcripts of background checks, for a period of not less than 5 years after the minor attains 18 years of age. The organization shall make the records available to a parent or guardian executing a power of attorney under this subsection and to the ombudsman under Title 22, section 4087-A and any local, state or federal authority conducting an investigation involving the agent, the parent or guardian or the minor.

(5). An employee or volunteer for an organization described in paragraph (4) may not further assist with a process that results in the completion of a power of attorney for the temporary care of a minor if the background checks conducted pursuant to paragraph (4), subparagraphs (i) and (ii) disclose any substantiated allegations of child abuse, neglect or exploitation or any crimes that would disqualify the agent from becoming a licensed family foster home in the State.

(6). The following penalties apply to violations of this subsection.

(i) An organization that knowingly fails to perform or verify the background checks or fails to share the background check information as required by this subsection is subject to a civil penalty not to exceed \$5,000, payable to the State and recoverable in a civil action.

(ii) An organization or an employee or volunteer of an organization that continues to assist a parent, guardian or agent in completing a power of attorney under this subsection if the background checks conducted pursuant to paragraph (4) disclose any substantiated allegations of child abuse, neglect or exploitation or any crimes that would disqualify the agent from becoming a licensed family foster home is subject to a civil penalty not to exceed \$5,000, payable to the State and recoverable in a civil action.

(iii) An organization or an employee or volunteer of an organization that knowingly fails

to maintain records or to disclose information as required by this subsection is subject to a civil penalty not to exceed \$5,000, payable to the State and recoverable in a civil action.

See title page for effective date.

CHAPTER 468

S.P. 590 - L.D. 1528

An Act To Modernize and Consolidate Court Facilities

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

Sec. 1. 4 MRSA §1610-I is enacted to read:

§1610-I. Additional securities; Judicial Branch

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities from time to time in an aggregate amount not to exceed \$95,600,000 outstanding at any one time for the purposes of paying the costs associated with the planning, purchasing, financing, acquiring, constructing, renovating, furnishing, equipping, improving, extending, enlarging and consolidating new and existing facilities and projects relating to the Judicial Branch in the counties of Oxford, Waldo and York and planning for other court facilities.

Sec. 2. York County Courthouse Site Selection Commission. The York County Courthouse Site Selection Commission, referred to in this section as "the commission," is created to choose a location for the new York County Courthouse. The commission consists of the following members:

1. Two members appointed by the Governor;
2. Two members of the Senate representing York County, one from each of the 2 parties holding the largest number of seats in the Legislature, appointed by the President of the Senate;
3. Two members of the House of Representatives representing York County, one from each of the 2 parties holding the largest number of seats in the Legislature, appointed by the Speaker of the House;
4. One clerk of courts and 2 judges or justices, appointed by the Chief Justice of the Supreme Judicial Court;
5. The York County District Attorney, or the designee of the York County District Attorney;
6. The York County Sheriff, or the designee of the York County Sheriff;
7. One person appointed by the York County Commissioners;

8. One local law enforcement officer appointed by the Chief Justice of the Supreme Judicial Court from a list submitted by the Maine Chiefs of Police Association;

9. Three actively practicing members of the York County Bar, at least one of whom does court-appointed work, from a list submitted by the York County Bar Association; and

10. One victim advocate appointed by the Chief Justice of the Supreme Judicial Court.

The State Court Administrator shall serve as a nonvoting member and provide such assistance as may be required by the commission. The Chief Justice of the Supreme Judicial Court shall name a member of the Supreme Judicial Court to serve as chair of the commission. The commission shall meet at the call of the chair and make a recommendation to the Chief Justice of the Supreme Judicial Court by January 1, 2017. The Judicial Branch is authorized to construct a courthouse in the municipality designated by the commission.

See title page for effective date.

CHAPTER 469

S.P. 608 - L.D. 1553

An Act To Improve the Workers' Compensation System

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

Sec. 1. 39-A MRSA §154, sub-§6, ¶A, as amended by PL 2009, c. 109, §1 and affected by §2, is further amended to read:

A. The assessments levied under this section may not be designed to produce more than \$10,000,000 beginning in the 2008-09 fiscal year, more than \$10,400,000 beginning in the 2009-10 fiscal year, more than \$10,800,000 beginning in the 2010-11 fiscal year ~~or~~ more than \$11,200,000 beginning in the 2011-12 fiscal year or more than \$13,000,000 beginning in the 2017-18 fiscal year. Assessments collected that exceed the applicable limit by a margin of more than 10% must be used to reduce the assessment that is paid by insured employers pursuant to subsection 3. Any amount collected above the board's allocated budget and within the 10% margin must be used to create a reserve of up to 1/4 of the board's annual budget.

Sec. 2. 39-A MRSA §322, sub-§1, as amended by PL 2015, c. 297, §17, is further amended to read: