

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST SPECIAL SESSION
October 23, 2017 to November 6, 2017

SECOND REGULAR SESSION
January 3, 2018 to May 2, 2018

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 5, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2018

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

Augusta, Maine
2018

tional Fund established in the Maine Revised Statutes, Title 8, section 299-A no later than 30 days following the effective date of this Act.

Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

Harness Racing Commission 0320

Initiative: Provides an ongoing allocation to the Harness Racing Promotional Fund, which is being moved from the Harness Racing Promotional Board to the State Harness Racing Commission.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$0	\$50,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$50,000

See title page for effective date.

CHAPTER 372

S.P. 708 - L.D. 1863

An Act Regarding the Limit on the Number of Children Who May Be Placed in a Single Foster Home

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

Whereas, the emergency enactment of this legislation is necessary to allow the Department of Health and Human Services to place in appropriate foster homes children who are currently awaiting such placement; 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 §8107, sub-§1, as enacted by PL 1983, c. 629, §2, is amended to read:

1. Number; placement in children's homes. The limitations on the number of children in children's

homes ~~shall~~ do not prohibit the placement of more than the allowed number; if the purpose of the placement is to keep siblings together.

Sec. 2. 22 MRSA §8107, sub-§1-A is enacted to read:

1-A. Number; placement in family foster home. The limitation on the number of children in a family foster home does not prohibit the placement of more than the allowed number in an individual case involving unusual circumstances if the department determines that placement to be appropriate.

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

Effective April 9, 2018.

CHAPTER 373

S.P. 634 - L.D. 1735

An Act To Authorize Regional Medical Control Committees To Have Access to Maine Emergency Medical Services Data for Purposes of Quality Improvement

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

Whereas, critical and lifesaving emergency medical services are provided to patients on a daily basis in both rural and urban areas; and

Whereas, circumstances arise in which the provision of emergency medical services requires review for the purposes of quality improvement so that services may be delivered in a safe and efficient manner that produces maximum benefit to the health of the patient; and

Whereas, delay in reviews increases the risk of service delivery that may be less safe or less efficient or does not produce maximum benefit to the health of the patient; 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. 32 MRSA §89, sub-§2, ¶A, as amended by PL 1991, c. 588, §18, is further amended to read:

A. Establishing a regional medical control committee to carry out a plan of quality improvement approved by the board;

Sec. 2. 32 MRSA §91-B, sub-§2, ¶E, as amended by PL 2015, c. 82, §8, is further amended to read:

E. Data collected by Maine Emergency Medical Services that allows identification of persons receiving emergency medical treatment may be released for purposes of research, regional medical control quality improvement plans, public health surveillance and linkage with patient electronic medical records if the release is approved by the board, the Medical Direction and Practices Board and the director. Information that specifically identifies individuals must be removed from the information disclosed pursuant to this paragraph, unless the board, the Medical Direction and Practices Board and the director determine that the release of such information is necessary for the purposes of the research, regional medical control quality improvement plans, public health surveillance or linkage with patient electronic medical records.

Sec. 3. 32 MRSA §91-B, sub-§2, ¶H is enacted to read:

H. Confidential information submitted to Maine Emergency Medical Services by any entity must be easily accessible by that entity in accordance with rules adopted by the board that enable compliance by the entity with federal and state laws regarding patient information privacy and access.

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

Effective April 10, 2018.

CHAPTER 374

S.P. 151 - L.D. 449

An Act To Add Domestic Violence against the Victim as an Aggravating Factor in Sentencing for Murder

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

Sec. 1. 17-A MRSA §1251, as amended by PL 2005, c. 88, Pt. B, §1, is repealed and the following enacted in its place:

§1251. Imprisonment for murder

1. A person convicted of the crime of murder must be sentenced to imprisonment for life or for any term of years that is not less than 25. The sentence of the court must specify the length of the sentence to be served and must commit the person to the Department of Corrections.

2. In setting the length of imprisonment pursuant to subsection 1, the court shall assign special weight to each of the following 3 factors as they relate to the sentencing procedure in section 1252-C, subsections 1, 2 and 3:

A. That the victim is a child who had not in fact attained 6 years of age at the time the crime was committed;

B. That the victim is a woman whom the convicted person knew or had reasonable cause to believe to be in fact pregnant at the time the crime was committed; and

C. That the victim is a family or household member as defined in Title 19-A, section 4002, subsection 4 who is a victim of domestic violence committed by the convicted person.

This subsection may not be construed to restrict a court in setting the length of a term of imprisonment from considering the age of the victim in other circumstances when relevant.

See title page for effective date.

CHAPTER 375

S.P. 676 - L.D. 1805

An Act To Amend the Maine Tax Laws

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

PART A

Sec. A-1. 36 MRSA §1752, sub-§11-B is enacted to read:

11-B. Room remarketer. "Room remarketer" means a person who reserves, arranges for, offers, furnishes or collects or receives consideration for the rental of living quarters in this State, whether directly or indirectly, pursuant to a written or other agreement with the owner, manager or operator of a hotel, rooming house or tourist or trailer camp.

Sec. A-2. 36 MRSA §1752, sub-§14, ¶A, as amended by PL 2007, c. 627, §43, is further amended to read:

A. "Sale price" includes: