

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

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

Maine Commission on Indigent Legal Services Z112

Initiative: Adjusts funding to reflect an estimated decrease of \$75,000 annually to reflect fewer cases of assigned counsel related to marijuana offenses.

GENERAL FUND	2017-18	2018-19
All Other	\$0	(\$75,000)
GENERAL FUND TOTAL	\$0	(\$75,000)

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	\$0	(\$75,000)
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$75,000)

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Legislature 0081

Initiative: Appropriates funds for the ongoing costs of Legislators serving on the Marijuana Advisory Commission.

GENERAL FUND	2017-18	2018-19
Personal Services	\$0	\$880
All Other	\$0	\$1,370
GENERAL FUND TOTAL	\$0	\$2,250

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DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	\$0	\$2,250
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$2,250

PUBLIC SAFETY, DEPARTMENT OF

State Police 0291

Initiative: Provides funding for one Identification Specialist II position and related costs to process criminal history background checks for marijuana establishment operators.

GENERAL FUND	2017-18	2018-19

POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$42,135
All Other	\$0	\$1,566

GENERAL FUND TOTAL	\$0	\$43,701
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HIGHWAY FUND	2017-18	2018-19
Personal Services	\$0	\$22,688
All Other	\$0	\$1,274

HIGHWAY FUND TOTAL	\$0	\$23,962
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PUBLIC SAFETY, DEPARTMENT OF

DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	\$0	\$43,701
HIGHWAY FUND	\$0	\$23,962
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$67,663

SECTION TOTALS	2017-18	2018-19
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GENERAL FUND	\$0	\$3,285,041
HIGHWAY FUND	\$0	\$23,962
OTHER SPECIAL REVENUE FUNDS	(\$91,032)	\$1,123,768

SECTION TOTAL - ALL FUNDS	(\$91,032)	\$4,432,771
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Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 2, 2018.

**CHAPTER 410
S.P. 475 - L.D. 1388**

An Act To Prohibit the Falsification of Medical Records

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

Sec. 1. 17-A MRS §707-A is enacted to read:

§707-A. Falsifying health care records

1. A person is guilty of falsifying health care records if, with intent to deceive any person or governmental entity, the person:

A. Makes, or causes to be made, a false material entry in the health care records maintained by a health care provider;

B. Alters, erases, obliterates, deletes, removes or destroys a true material entry in the health care records maintained by a health care provider;

C. Knowingly omits to make a true material entry in the health care records maintained by a health care provider in violation of a duty to do so that is imposed by statute, standard of care or regulatory provision; or

D. Prevents the making of a true material entry or causes the omission of a true material entry in the health care records maintained by a health care provider.

2. Supplementation of information or correction of an error in health care records in a manner that reasonably discloses that the supplementation or correction was performed and that does not conceal or alter prior entries is not a violation of this section.

3. Falsifying health care records is a Class D crime, except as provided in subsection 4.

4. Falsifying health care records is a Class C crime if any reliance on a violation of this section causes serious bodily injury or impairment of the mental or behavioral condition of any person.

5. As used in this section, the following definitions apply.

A. "Health care provider" means a hospital, clinic, nursing home or other facility in which skilled nursing care or medical services are prescribed by or performed under the general direction of persons licensed to practice medicine, dentistry, podiatry or surgery in this State and that is licensed or otherwise authorized by the laws of this State.

B. "Health care record" means a record that relates to an individual's physical, mental or behavioral condition, personal or family medical history or medical treatment or the health care provided to that individual.

C. "Material" means capable of altering the course or outcome of any subsequent reliance on the health care record.

See title page for effective date.

CHAPTER 411

H.P. 824 - L.D. 1187

An Act To Amend the Child Protective Services Statutes

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

Sec. 1. 18-A MRSA §9-308, sub-§(e), as amended by PL 2001, c. 696, §9, is further amended to read:

(e). The department shall notify the grandparents of a child when the child is placed for adoption if the department has received notice that the grandparents were granted reasonable rights of visitation or access under Title 19-A, chapter 59 or Title 22, section 4005-E 4005-H.

Sec. 2. 22 MRSA §4002, sub-§1-C is enacted to read:

1-C. Best interest of the child. "Best interest of the child," "best interests of the child," "child's best interest" and "child's best interests" mean the standard of the best interest of the child according to the factors set forth in Title 19-A, section 1653, subsection 3.

Sec. 3. 22 MRSA §4002, sub-§5-C is enacted to read:

5-C. Grandparent. "Grandparent" means the parent of a child's parent.

Sec. 4. 22 MRSA §4002, sub-§9-B, as amended by PL 2007, c. 371, §1, is further amended to read:

9-B. Relative. "Relative" means ~~the biological or adoptive parent of the child's biological or adoptive parent, or the biological or adoptive sister, brother, aunt, uncle or cousin of a family member related to the child~~ within the 3rd degree through parentage established under Title 19-A, chapter 61 or any spouse of that family member. "Relative" also includes the adoptive parent of the child's siblings. "Relative" includes, for an Indian child as defined by the Indian Child Welfare Act of 1978, 25 United States Code, Section 1903, Subsection 4, an extended family member as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, an extended family member as defined by the Indian Child Welfare Act of 1978, 25 United States Code, Section 1903, Subsection 2.

Sec. 5. 22 MRSA §4003, sub-§2, as enacted by PL 1979, c. 733, §18, is amended to read:

2. Removal from parental custody. Provide that children will be ~~taken~~ removed from the custody of their parents only where failure to do so would jeopardize their health or welfare;