

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$97,500
GENERAL FUND TOTAL	\$0	\$97,500
HIGHWAY FUND	2017-18	2018-19
All Other	\$0	\$52,500
HIGHWAY FUND TOTAL	\$0	\$52,500
PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	\$0	\$97,500
HIGHWAY FUND	\$0	\$52,500
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$150,000

See title page for effective date.

CHAPTER 469

H.P. 1363 - L.D. 1918

**An Act To Authorize the
Installation of a Gold Star
Family Memorial in Capitol
Park**

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

Sec. 1. 3 MRSA §902, sub-§1-C is enacted to read:

1-C. Gold star family memorial. Notwithstanding section 902-A, subsection 2, paragraph B, the commission may arrange for and oversee the development and installation of a monument honoring gold star families.

See title page for effective date.

CHAPTER 470

S.P. 756 - L.D. 1922

**An Act To Amend the Child
and Family Services and Child
Protection Act**

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

Sec. 1. 22 MRSA §4003, sub-§3, as amended by PL 1999, c. 731, Pt. AA, §3, is further amended to read:

3. Rehabilitation and reunification. ~~Give family rehabilitation and reunification priority~~ Require that reasonable efforts be made to rehabilitate and reunify families as a means for protecting the welfare of children, but prevent needless delay for permanent plans for children when rehabilitation and reunification is not possible;

See title page for effective date.

CHAPTER 471

S.P. 758 - L.D. 1923

**An Act To Improve the Child
Welfare System**

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

Whereas, maintaining a sufficient number of qualified foster homes provides a critical safety net for vulnerable children; and

Whereas, recruitment and retention of highly qualified child welfare staff will allow for more timely and thorough investigations of allegations of abuse and neglect; and

Whereas, a new comprehensive child welfare information system will make more information available in a timely manner, which will allow for better outcomes for children; and

Whereas, this legislation provides funding necessary to enhance the child welfare system and services available to children in the care of the State; 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. Rate increase for foster homes. The daily rates for foster homes must be increased as follows: Unlicensed Homes must be increased from \$10.00 to \$18.50, Level A Licensed Homes must be increased from \$16.50 to \$25.00, Level B Licensed Homes must be increased from \$26.25 to \$35.00, Level C Licensed Homes must be increased from \$39.38 to \$45.00, Level D Licensed Homes must be increased from \$52.50 to \$60.00, Level E Licensed Homes must

be increased from \$65.62 to \$75.00 and Medical Licensed Homes must be increased from \$60.00 to \$70.00.

Sec. 2. New job classification. The Department of Administrative and Financial Services, Bureau of Human Resources and the Department of Health and Human Services shall work together to develop a new job classification for the Child Welfare Investigator position. This classification must consider relevant education and training in investigative practice in lieu of the possession of a license in social work. This education and training must be obtained from service and experience in law enforcement or other similar fields.

Sec. 3. Development of a new comprehensive child welfare information system. The Department of Health and Human Services shall conduct a needs analysis for its comprehensive child welfare information system and review possible solutions to meet those needs. The Department of Health and Human Services shall purchase or develop a new comprehensive child welfare information system.

Sec. 4. Report. The Department of Health and Human Services shall report in writing to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 31, 2019 on the progress of the department in implementing the provisions of this Act and the progress on and results from any external audit of the department's child protective services system.

Sec. 5. Department of Health and Human Services to conduct a rate study to develop a new rate for MaineCare reimbursement for trauma-focused cognitive behavioral therapy. The Department of Health and Human Services shall contract for a 3rd-party independent rate study to develop a separate reimbursement rate for trauma-focused cognitive behavioral therapy to be available to be billed under rule Chapter 101: MaineCare Benefits Manual, Section 65. In establishing the rate, the rate study must take into consideration the following:

1. The costs to the provider of delivering the service, including additional training for certification and continuing education;
2. Quality assurance and continuous quality improvement;
3. The need to attract enough providers to clear waiting lists for services;
4. The need to attract providers to all areas of the State, including underserved rural areas; and
5. The costs of ensuring fidelity to the trauma-focused cognitive behavioral therapy model.

The department shall ensure that the rate study is completed no later than April 1, 2019. The depart-

ment shall submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the findings of the rate study no later than May 1, 2019. The department shall amend its rules to establish a separate reimbursement rate for trauma-focused cognitive behavioral therapy. Rules adopted pursuant to this resolve are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

IV-E Foster Care/Adoption Assistance 0137

Initiative: Provides funding for increased foster home reimbursement rates to increase recruitment and retention of foster families in this State.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$386,493
GENERAL FUND TOTAL	\$0	\$386,493

FEDERAL EXPENDITURES FUND	2017-18	2018-19
All Other	\$0	\$579,738
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$579,738

Office of Child and Family Services - District 0452

Initiative: Provides increased funding for the creation of 16 Human Services Casework Supervisor positions within the Office of Child and Family Services, child protective services to increase coaching and oversight of child protective staff.

GENERAL FUND	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	0.000	16.000
Personal Services	\$0	\$768,701
All Other	\$0	\$68,727
GENERAL FUND TOTAL	\$0	\$837,428

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
Personal Services	\$0	\$168,740
All Other	\$0	\$21,182

OTHER SPECIAL	\$0	\$189,922
REVENUE FUNDS TOTAL		

Office of Child and Family Services - District 0452

Initiative: Provides funding for the creation of 2 Regional Associate Director for Child Welfare positions.

GENERAL FUND	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	0.000	2.000
Personal Services	\$0	\$161,112
All Other	\$0	\$8,580
GENERAL FUND TOTAL	\$0	\$169,692

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
Personal Services	\$0	\$35,366
All Other	\$0	\$1,883
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$37,249

Office of Child and Family Services - District 0452

Initiative: Notwithstanding the Maine Revised Statutes, Title 5, section 7065, provides funding for the recruitment and retention of employees in Child Protective Services Caseworker positions, Child Protective Services Caseworker Supervisor positions, Child Protective Services Assistant Program Administrator positions and Child Protective Services Program Administrator positions via a \$5 per wage-hour stipend payment.

GENERAL FUND	2017-18	2018-19
Personal Services	\$0	\$3,040,731
GENERAL FUND TOTAL	\$0	\$3,040,731

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
Personal Services	\$0	\$651,269
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$651,269

Office of Child and Family Services - District 0452

Initiative: Notwithstanding the Maine Revised Statutes, Title 5, section 7065, provides funding for the recruitment and retention of employees in Child Pro-

ective Services Caseworker positions, Child Protective Services Caseworker Supervisor positions, Child Protective Services Assistant Program Administrator positions and Child Protective Services Program Administrator positions via a \$1 per wage-hour stipend payment for employees holding or obtaining a relevant master's degree.

GENERAL FUND	2017-18	2018-19
Personal Services	\$0	\$93,808
GENERAL FUND TOTAL	\$0	\$93,808

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
Personal Services	\$0	\$20,592
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$20,592

Office of Child and Family Services - District 0452

Initiative: Provides funding for 8 Customer Rep Assoc II - HS positions to act as clerical case aides within the Office of Child and Family Services, child protective services.

GENERAL FUND	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	0.000	8.000
Personal Services	\$0	\$347,634
All Other	\$0	\$34,992
GENERAL FUND TOTAL	\$0	\$382,626

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
Personal Services	\$0	\$68,694
All Other	\$0	\$6,915
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$75,609

Office of Child and Family Services - District 0452

Initiative: Provides funding for 16 Human Services Caseworker positions.

GENERAL FUND	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	0.000	16.000
Personal Services	\$0	\$817,222
All Other	\$0	\$69,984

GENERAL FUND TOTAL	\$0	\$887,206
OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
Personal Services	\$0	\$161,487
All Other	\$0	\$13,829
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$175,316

State-funded Foster Care/Adoption Assistance 0139

Initiative: Provides funding for increased foster home reimbursement rates to increase recruitment and retention of foster families in this State.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$2,586,929
GENERAL FUND TOTAL	\$0	\$2,586,929

State-funded Foster Care/Adoption Assistance 0139

Initiative: Provides increased funding for procurement of a pilot program for child welfare services to support children in the State’s custody through supportive visitation, which will allow for the supervision of court-ordered visitation with relatives of the children and will provide assessment and evaluation of parental capacity as it relates to the parent’s ability to safely care for the child.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$2,250,000
GENERAL FUND TOTAL	\$0	\$2,250,000

State-funded Foster Care/Adoption Assistance 0139

Initiative: Provides increased funding for procurement of child welfare services to support children in the State’s custody through clinical support and guidance of child welfare casework practice. This funding will allow each district office to procure a clinician to aid the district in clinical consultation within child welfare cases, in training to increase staff knowledge of mental health and behavioral needs of children in the State’s custody and in consultation within child welfare cases on parental capacity. In addition, this increase in funding will allow for procurement of clinical services to support each district office to evaluate staff functioning and provide debriefing for critical incidents.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$880,000

GENERAL FUND TOTAL	\$0	\$880,000
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State-funded Foster Care/Adoption Assistance 0139

Initiative: Provides one-time funding for the development of a new comprehensive child welfare information system.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$8,000,000
GENERAL FUND TOTAL	\$0	\$8,000,000

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	\$0	\$19,514,913
FEDERAL EXPENDITURES FUND	\$0	\$579,738
OTHER SPECIAL REVENUE FUNDS	\$0	\$1,149,957
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$21,244,608

Sec. 7. Appropriations and allocations.

The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF Office of MaineCare Services 0129

Initiative: Provides funding to contract with a 3rd party to conduct a rate study to develop certain rates under rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 65 to be completed no later than May 1, 2019.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$50,000
GENERAL FUND TOTAL	\$0	\$50,000
FEDERAL EXPENDITURES FUND	2017-18	2018-19
All Other	\$0	\$50,000
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$50,000

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

Effective September 7, 2018.

**CHAPTER 472
S.P. 754 - L.D. 1920**

**An Act To Modify the
Expungement Requirements
for Records under the Child
and Family Services and Child
Protection Act**

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

Sec. 1. 22 MRSA §4008, sub-§5, as amended by PL 2015, c. 501, §1, is further amended to read:

5. Retention of unsubstantiated child protective services records. Except as provided in this subsection, the department shall retain unsubstantiated child protective services case records for no more than ~~18 months~~ 5 years following a finding of unsubstantiation and then expunge unsubstantiated case records from all departmental files or archives unless a new referral has been received within the ~~18 month~~ 5-year retention period. An expunged record or unsubstantiated record that should have been expunged under this subsection may not be used for any purpose, including admission into evidence in any administrative or judicial proceeding. ~~Unsubstantiated child protective services records of persons who were eligible for Medicaid services under the federal Social Security Act, Title XIX, at the time of the investigation may be retained for up to 5 years for the sole purpose of state and federal audits of the Medicaid program. Unsubstantiated child protective services case records retained for audit purposes pursuant to this subsection must be stored separately from other child protective services records and may not be used for any other purpose.~~

See title page for effective date.

**CHAPTER 473
S.P. 755 - L.D. 1921**

**An Act To Grant the
Department of Health and
Human Services Access to
Criminal History Information
To Achieve the Purposes of the
Child and Family Services and
Child Protection Act**

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

Sec. 1. 22 MRSA §4004, sub-§1, ¶E, as amended by PL 2007, c. 586, §3, is further amended to read:

E. Establishing a child death and serious injury review panel for reviewing deaths and serious injuries to children. The panel consists of the following members: the Chief Medical Examiner, a pediatrician, a public health nurse, forensic and community mental health clinicians, law enforcement officers, departmental child welfare staff, district attorneys and criminal or civil assistant attorneys general.

The purpose of the panel is to recommend to state and local agencies methods of improving the child protection system, including modifications of statutes, rules, policies and procedures; ~~and~~

Sec. 2. 22 MRSA §4004, sub-§1, ¶F, as enacted by PL 2007, c. 586, §4, is amended to read:

F. Investigating suspicious child deaths. An investigation under this paragraph is subject to and may not interfere with the authority and responsibility of the Attorney General to investigate and prosecute homicides pursuant to Title 5, section 200-A; ~~and~~

Sec. 3. 22 MRSA §4004, sub-§1, ¶G is enacted to read:

G. Requesting and receiving confidential criminal history record information, as defined by Title 16, section 703, subsection 2, from the Department of Public Safety and public criminal history record information, as defined by Title 16, section 703, subsection 8.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

State-funded Foster Care/Adoption Assistance 0139