

# 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.**

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**Augusta, Maine**  
**2019**

**Sec. 40. 20-A MRSA §15908, sub-§3**, as amended by PL 2011, c. 691, Pt. B, §22, is further amended to read:

**3. Life-cycle costs.** The department and the Bureau of General Services may not approve the plans and specifications of a project that does not meet the requirements of Title 5, chapter 153, subchapter 1-A.

**Sec. 41. 30-A MRSA §5953-C, sub-§3**, as amended by PL 2007, c. 66, §1, is further amended to read:

**3. Proposals; contracts.** The bank shall solicit proposals from energy service companies and individual vendors of energy service products. Notwithstanding any provision of the law regarding bidding requirements, the bank shall contract with an energy service company or companies or vendor or vendors to provide energy services in municipal and school buildings under the program. Whenever the bid proposals received are substantially equivalent, the bank shall in the contract process select an in-state energy service company or vendor whose primary place of business is within this State. For public school projects, bid proposals for energy efficiency improvements must include plans and specifications that are adequate to permit review by the agencies listed under Title 20-A, section 15903, subsection 3 and that bear the stamp of a licensed professional engineer or licensed architect. ~~The agencies listed in Title 20-A, section 15903, subsection 3 shall review the plans and specifications and approve or disapprove them within a reasonable time period.~~

See title page for effective date.

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## CHAPTER 399

H.P. 1274 - L.D. 1792

### An Act To Ensure Compliance with Federal Family First Prevention Services Legislation

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

**Sec. 1. 22 MRSA §8110** is enacted to read:

**§8110. Criminal history record checks for employees of children's residential care facilities**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Federal Bureau of Investigation" means the United States Department of Justice, Federal Bureau of Investigation.

B. "State Police" means the Department of Public Safety, Bureau of State Police.

**2. Criminal history; information about criminal records and data obtained.** The department shall obtain, in print or electronic format, criminal history record information containing a record of public criminal history record information as defined in Title 16, section 703, subsection 8, from the Maine Criminal Justice Information System, established pursuant to Title 16, section 631, and the Federal Bureau of Investigation, for any staff member of a children's residential care facility in order to comply with the federal family first prevention services legislation. For purposes of this section, "staff member" means an individual who is employed by, or has applied for and may be offered employment at, a children's residential care facility, including a contract employee or self-employed individual, whether or not the individual has direct contact with children. "Staff member" does not include a contractor performing maintenance or repairs at the children's residential care facility who does not have unsupervised access to children at the facility.

**3. Fingerprint-based criminal history obtained.** A staff member shall consent to and have the staff member's fingerprints taken. The State Police shall take or cause to be taken the fingerprints of a staff member who has consented under this subsection and shall forward the fingerprints to the Department of Public Safety so that the Department of Public Safety may conduct a state and national criminal history record check on the person. The Department of Public Safety shall forward the results obtained to the department. The State Police shall assess a fee set annually by the Department of Public Safety to be paid by the children's residential care facility or the staff member for each criminal history record check required to be performed under this section. Except for the portion of the payment that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police under this subsection must be paid to the Treasurer of State, who shall apply the money to the expenses of administration of this section by the Department of Public Safety.

**4. Updates to information.** The department may request a subsequent criminal history record check under subsection 3 on a staff member as the department determines appropriate, including continuous notifications of updated criminal history record information if a service providing notifications of updated criminal history record information becomes available.

**5. Confidentiality.** Information obtained pursuant to this section is confidential and may not be disseminated for purposes other than as provided in subsections 6 and 7.

**6. Use of information obtained.** Criminal history record information obtained pursuant to this section may be used by the department for employment pur-

poses to screen a staff member. The subject of any criminal history record check under subsection 3 may contest any negative decision made by the department based upon the information received pursuant to the criminal history record check.

**7. Person's access to information obtained.** A person subject to a criminal history record check pursuant to subsection 3 must be notified each time a criminal history record check is performed on the person. A person subject to a criminal history record check under subsection 3 may inspect and review the criminal history record information pursuant to Title 16, section 709 and obtain federal information obtained pursuant to the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33.

**8. Right of subject to remove fingerprints from record.** Upon request from a person subject to a criminal history record check pursuant to subsection 3, the Department of Public Safety shall remove the person's fingerprints from the Department of Public Safety's records and provide written confirmation of the removal to the person.

**Sec. 2. 25 MRSA §1542-A, sub-§1, ¶P,** as enacted by PL 2017, c. 452, §25 and c. 457, §13, is repealed and the following enacted in its place:

P. Who is licensed under Title 32, chapter 36 and has applied for an expedited license under Title 32, section 18506;

**Sec. 3. 25 MRSA §1542-A, sub-§1, ¶¶Q and R,** as enacted by PL 2017, c. 457, §13, are amended to read:

Q. Who is an applicant for licensure with the State Board of Nursing as required under Title 32, section 2111, subsection 1; or

R. Who is required to have a criminal background check under Title 22, section 8302-A or 8302-B;

**Sec. 4. 25 MRSA §1542-A, sub-§1, ¶¶S and T** are enacted to read:

S. Who is required to have a criminal history record check under Title 22, section 2425-A, subsection 3-A; or

T. Who is required to have a criminal history record check under Title 22, section 8110.

**Sec. 5. 25 MRSA §1542-A, sub-§3, ¶O,** as enacted by PL 2017, c. 452, §26 and c. 457, §15, is repealed and the following enacted in its place:

O. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph P at the request of that person and upon payment of the expenses by that person as required by Title 32, section 2571-A.

**Sec. 6. 25 MRSA §1542-A, sub-§3, ¶¶R and S** are enacted to read:

R. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph S at the request of that person or the Department of Administrative and Financial Services under Title 22, section 2425-A, subsection 3-A.

S. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph T at the request of that person or the Department of Health and Human Services pursuant to Title 22, section 8110.

**Sec. 7. 25 MRSA §1542-A, sub-§4,** as amended by PL 2017, c. 452, §27 and c. 457, §16, is repealed and the following enacted in its place:

**4. Duty to submit to State Bureau of Identification.** It is the duty of the law enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B and G to transmit immediately to the State Bureau of Identification the criminal fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or pursuant to subsection 5 may not be submitted to the State Bureau of Identification unless an express request is made by the commanding officer of the State Bureau of Identification. Fingerprints taken pursuant to subsection 1, paragraph G must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Education. The bureau may not use the fingerprints for any purpose other than that provided for under Title 20-A, section 6103. The bureau shall retain the fingerprints, except as provided under Title 20-A, section 6103, subsection 9. Fingerprints taken pursuant to subsection 1, paragraph I and subsection 3, paragraph I must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the court and the Department of Public Safety, Gambling Control Board, respectively. Fingerprints taken pursuant to subsection 1, paragraph J, K, L or S must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Administrative and Financial Services. Fingerprints taken pursuant to subsection 1, paragraph P must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Osteopathic Licensure, established in Title 32, chapter 36. Fingerprints taken pursuant to subsection 1, paragraph N must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Licensure in Medicine, established in Title 32, chapter 48. Finger-

prints taken pursuant to subsection 1, paragraph Q must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the State Board of Nursing, established in Title 32, chapter 31. Fingerprints taken pursuant to subsection 1, paragraph O must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks under Title 28-B, section 204. Fingerprints taken pursuant to subsection 1, paragraph R or T must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Health and Human Services.

See title page for effective date.

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**CHAPTER 400**  
**S.P. 607 - L.D. 1794**

**An Act To Amend the Service  
Fee for Child Support Services**

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

**Sec. 1. 19-A MRSA §2103, sub-§3-A**, as amended by PL 2011, c. 477, Pt. L, §2, is further amended to read:

**3-A. Service fee.** In the case of an individual who has never received assistance under a state program and for whom the State has collected at least ~~\$500~~ \$550 in child support, the State shall impose an annual ~~\$25~~ \$35 fee for each child support enforcement case that is:

- A. Retained by the State from child support collected on behalf of the individual after the collected support exceeds ~~\$500~~ \$550;
- B. Paid by the individual applying for services;
- C. Recovered from the noncustodial parent; or
- D. Paid by the State out of its own funds. The annual fee may not be considered as an administrative cost of the State for operation of child support enforcement services and must be considered income to the program under which the individual has received child support enforcement services.

The nonfederal share of the annual fee collected pursuant to this subsection must be deposited as General Fund undedicated revenue.

See title page for effective date.

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**CHAPTER 401**  
**H.P. 1279 - L.D. 1798**

**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 §192, sub-§2**, as enacted by PL 1981, c. 364, §19, is amended to read:

**2. Facsimile signature.** A facsimile of the written signature of the State Tax Assessor imprinted by or at ~~his the State Tax Assessor's~~ direction ~~upon any license, registration certificate, notice of assessment or statutory demand notice issued by him under authority of this Title shall have~~ has the same validity as ~~his the State Tax Assessor's~~ written signature.

**Sec. A-2. 36 MRSA §208**, as amended by PL 2017, c. 288, Pt. A, §36, is further amended to read:

**§208. Equalization**

The State Tax Assessor has the duty of equalizing the state and county taxes among the several towns and unorganized territory. The State Tax Assessor shall equalize and adjust the assessment list of each town, by adding to or deducting from it such amount as will make it equal to its just value as of April 1st. Notice of the proposed valuations of municipalities within each county must be sent annually ~~by certified mail~~ to the chair of the board of assessors, and chair of the board of selectmen in municipalities having selectmen, of each municipality within that county on or before the first day of October. The valuation so determined is subject to review by the State Board of Property Tax Review pursuant to subchapter 2-A, but the valuation finally certified to the Secretary of State pursuant to section 381 must be used for all computations required by law to be based upon the state valuation with respect to municipalities.

**Sec. A-3. 36 MRSA §209** is enacted to read:

**§209. Adjustment for audits; determination of the State Tax Assessor**

**1. Audits.** If the State Tax Assessor determines that value was improperly excluded from any of the 3 most recently certified state valuations, the State Tax Assessor shall recalculate the equalized just value of that municipality to reflect the requirements of section 305.

A municipality that is aggrieved by a determination of the State Tax Assessor under this section may appeal pursuant to section 272-A.

**2. Notifications.** If an adjustment is made to a municipality's equalized municipal valuation pursuant