

# 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**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500
<b>TREASURER OF STATE, OFFICE OF DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
OTHER SPECIAL REVENUE FUNDS	\$206,500	\$206,500
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DEPARTMENT TOTAL - ALL FUNDS	\$206,500	\$206,500

See title page for effective date.

**CHAPTER 449  
H.P. 1233 - L.D. 1731**

**An Act Regarding  
Representation of the  
Department of Marine  
Resources in Libel Proceedings**

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

**Sec. 1. 4 MRSA §807, sub-§3, ¶R,** as corrected by RR 2013, c. 1, §6, is amended to read:

R. A person who is not an attorney but who is a public accountant, enrolled agent, enrolled actuary or any other person permitted to represent the taxpayer under Title 36, section 151-A, subsection 2 and is representing a party in any hearing, action or proceeding before the Maine Board of Tax Appeals in accordance with Title 36, section 151-D; ~~or~~

**Sec. 2. 4 MRSA §807, sub-§3, ¶S,** as amended by PL 2017, c. 402, Pt. C, §6 and affected by Pt. F, §1, is further amended to read:

S. An individual who is the sole member of a limited liability company or is a member of a limited liability company that is owned by a married couple, registered domestic partners or an individual and that individual's issue as defined in Title 18-C, section 1-201, subsection 27 who is not an attorney but is appearing for that company in an action for forcible entry and detainer pursuant to Title 14, chapter 709; ~~or~~

**Sec. 3. 4 MRSA §807, sub-§3, ¶T** is enacted to read:

T. A marine patrol officer who is not an attorney but is representing the Department of Marine Resources in a libel proceeding before a District Court under Title 12, section 6207.

See title page for effective date.

**CHAPTER 450  
S.P. 602 - L.D. 1778**

**An Act To Amend the Laws  
Concerning the Children's  
Cabinet and Its Advisory  
Councils**

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

**Sec. 1. 5 MRSA §12004-I, sub-§35-B,** as enacted by PL 1993, c. 158, §1, is repealed.

**Sec. 2. 5 MRSA §12004-J, sub-§16,** as enacted by PL 2007, c. 683, Pt. A, §1, is repealed.

**Sec. 3. 5 MRSA §12004-J, sub-§18** is enacted to read:

**18.**

<u>Children</u>	<u>Maine Children's Cabinet Early Childhood Advisory Council</u>	<u>Legislative Per Diem and Ex- penses for Legislators</u>	<u>5 MRSA §24051</u>
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**Sec. 4. 5 MRSA §19131, sub-§1,** as enacted by PL 1999, c. 785, §3, is amended to read:

**1. Establishment.** The Children's Cabinet, referred to in this chapter as the "cabinet," is established to promote and support active, vigorous and frequent interdepartmental collaboration on children's children and youth policy development and program implementation and to support supporting the provision of services for Maine families and, children and youth that are planned, managed and delivered in a ~~holistic and~~ an integrated manner to improve their support and enhance educational opportunities, self-sufficiency, safety, economic stability, health and ~~quality of life well-being.~~

**Sec. 5. 5 MRSA §19131, sub-§3,** as enacted by PL 1999, c. 785, §3, is amended to read:

**3. Chair.** The Governor shall appoint one of the members serving pursuant to subsection 2, paragraphs

A to F to serve as chair of the cabinet. The term of the chair is ~~2 years~~ one year.

**Sec. 6. 5 MRSA §19131, sub-§4** is enacted to read:

**4. Meetings.** The cabinet shall meet at least 4 times per year.

**Sec. 7. 5 MRSA §19132**, as enacted by PL 1999, c. 785, §3, is amended to read:

**§19132. Duties of the cabinet**

The cabinet shall collaborate to create, manage and promote coordinated policies, finances, programs and service delivery systems ~~that to~~ support children, youth and families and communities consistent with the purposes of this chapter. To accomplish these purposes, the cabinet shall carry out the following duties:

**1. Regional children's cabinets.** Appoint regional children's cabinets to ensure that the purposes of this chapter are implemented at the regional and local levels;

~~**2. Subcommittees.** Appoint subcommittees, which may include members from any public or private agency, advisory committee or any citizen, who has appropriate interest and expertise, as may be necessary to carry out the work of the cabinet;~~

**3. Coordinated funding; collaboration.** Coordinate funding, grants and budgets among the departments of the cabinet related to child, youth and family services in order to carry out the purpose of this chapter, collaborate to share resources, remove barriers and support innovative initiatives, prevention and best practices that ~~prevent~~ address health and behavioral problems in children and youth;

**4. Data collection, planning and policy development.** ~~Conduct~~ Determine effective data sources to allow analysis leading to integrated and innovative approaches to identified priority areas of need of the cabinet and conduct long-range planning and policy development leading to a more effective public and private service delivery system;

~~**5. Coordinated service delivery.** Coordinate the delivery of residential and community based children's services among the departments;~~

~~**6. Assessment.** Assess resource capacity and allocations;~~

**7. Policy and program review.** ~~Improve~~ Update policies, statutes, rules and programs ~~through the review of specific case examples to ensure consistency across all departments in addressing the cabinet's priority areas; and~~

**8. Communication.** Broadly and transparently communicate the work of the cabinet: through a variety of mechanisms;

**9. Program implementation and oversight.** Initiate, implement and oversee programs, policies and services consistent with the purposes of this chapter; and

**10. Maine Children's Cabinet Early Childhood Advisory Council.** Oversee the Maine Children's Cabinet Early Childhood Advisory Council, established under section 24051, and direct a representative of the cabinet to meet at least once yearly with the Maine Children's Cabinet Early Childhood Advisory Council and consult with one or more state-designated groups representing youth issues regarding goals selected by the Maine Children's Cabinet Early Childhood Advisory Council.

**Sec. 8. 5 MRSA §19133**, as enacted by PL 1999, c. 785, §3, is amended to read:

**§19133. Program implementation and oversight**

The cabinet shall initiate, implement and oversee programs, policies and services consistent with the purposes of this chapter, ~~which may include but are not limited to:~~

~~**1. Communities for Children.** Supporting a collaborative effort between communities and State Government, known as Communities for Children, to effectively address problems facing the State's children and families by mobilizing the resources of State Government with resources and leadership at the community level;~~

~~**2. Effectiveness indicators.** Identifying indicators to measure child well-being to be used by Maine policy makers;~~

~~**3. Safe homes.** Working to ensure that all children have a safe and permanent home;~~

~~**4. Civil and caring school environments.** Providing civil and caring school environments in which violence is eliminated and the health needs of students are provided for;~~

~~**5. Supportive communities.** Focusing community members and resources to support goal-setting, counseling and mentoring for every child;~~

~~**6. Reducing suicide.** Reducing the incidence of suicide among Maine youth and improving access to appropriate prevention and intervention services;~~

~~**7. Access to information and referral.** Ensuring easy access to information and referral services regarding child and family services;~~

~~**8. Service coordination.** Coordinating social services to children and their families as an integrated whole and facilitating access to all services needed by family members;~~

~~**9. Ensuring services.** Ensuring coordination of services to parents of children birth to 5 years of age; and~~

~~10. Local case review and resolution; pooled funds.~~ Providing services to children with multiple needs within the child's community by supporting case review and resolution at the local level using appropriate funds pooled from each department of the cabinet.

**Sec. 9. 5 MRSA §19134**, as enacted by PL 1999, c. 785, §3, is amended to read:

**§19134. Funds**

The cabinet is authorized to ~~solicit~~ request, receive and pool funds from the Federal Government, any department, office or political subdivision of the State or any individual, foundation or corporation and may expend those funds for purposes that are consistent with this chapter.

**Sec. 10. 5 MRSA c. 621**, as amended, is repealed.

**Sec. 11. 5 MRSA c. 623** is enacted to read:

**CHAPTER 623**

**MAINE CHILDREN'S CABINET EARLY CHILDHOOD ADVISORY COUNCIL**

**§24051. Maine Children's Cabinet Early Childhood Advisory Council**

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

A. "Cabinet" means the Children's Cabinet established in section 19131.

B. "Council" means the Maine Children's Cabinet Early Childhood Advisory Council established in subsection 2.

C. "Young children" means children from birth until they complete grade 3.

**2. Establishment.** The Maine Children's Cabinet Early Childhood Advisory Council, as established in section 12004-J, subsection 18, is created to develop, maintain and evaluate under the direction of the cabinet a plan for sustainable social and financial investment in healthy development of the State's young children and their families.

**3. Membership.** The council consists of the members listed in this subsection, who must have a strong interest in early childhood and early care and education and must be influential in their communities:

A. Two members of the Senate, one from each of the 2 political parties having the greatest number of members in the Senate, appointed by the President of the Senate;

B. Two members of the House of Representatives, one from each of the 2 political parties hav-

ing the greatest number of members in the House, appointed by the Speaker of the House;

C. The Governor or the Governor's designee;

D. One person who is the parent of a young child, appointed by the Speaker of the House;

E. Two persons with experience in public funding and philanthropy, appointed by the Governor;

F. One person representing child abuse and neglect prevention, appointed by the President of the Senate;

G. One person representing postsecondary education, appointed by the Governor;

H. Three persons representing statewide, membership or constituent organizations that advance the well-being of young children and their families, including early care and education programs, child care centers, Head Start programs, resource development centers, programs for school-age children, child development services, physicians and child advocates, nominated by their organizations and appointed by the cabinet;

I. Two persons representing statewide, membership or constituent organizations for public and private family child care providers, nominated by their organizations and appointed by the cabinet;

J. One person representing a business roundtable on early childhood investment, appointed by the Governor;

K. One person with expertise in children's health or public health, appointed by the Governor;

L. Two ex officio nonvoting members who are employees of the Department of Education and direct or work in programming that affects young children, appointed by the Commissioner of Education; and

M. Two ex officio nonvoting members who are employees of the Department of Health and Human Services and direct or work in programming that affects young children, appointed by the Commissioner of Health and Human Services.

**4. Terms of appointment.** Except for ex officio members, members of the council are appointed for terms of 3 years. Members who are Legislators are appointed for the duration of the legislative terms in which they were appointed. Members who are not Legislators may serve beyond their designated terms until their successors are appointed.

**5. Chair.** The Governor shall appoint a chair for the council.

**6. Staffing; funding.** The council may hire staff as necessary for its work and as resources permit. The council may accept grant funding and other funding as

may be available for the work of the council from the Federal Government, any department, office or political subdivision of the State or any individual, foundation or corporation.

**§24052. Duties**

**1. Duties.** The duties of the council include, but are not limited to:

A. Reviewing and addressing recommendations of the cabinet regarding young children in the following areas:

(1) Early childhood policy implementation to ensure an effective public and private service delivery system and reporting recommendations based upon the review to the cabinet; and

(2) The delivery of early childhood services by the departments of the cabinet and recommending improvements to increase efficiencies in the delivery of services;

B. Advising the Department of Health and Human Services regarding:

(1) The coordination of child care services in the State; and

(2) The preparation of any application, amendment, waiver request, plan or other document submitted by the department to the Federal Government regarding child care funding or other early childhood services grants;

C. Reviewing and commenting on initiatives and plans of the cabinet related to early childhood;

D. Submitting annually to the cabinet and the joint standing committees of the Legislature having jurisdiction over education and cultural affairs and health and human services matters recommendations for changes to laws and rules to reduce barriers to collaboration and coordination among federally funded and state-funded programs and services for young children and the children's families and to improve the quality of programs and services for young children statewide. Recommendations must include, but are not limited to, methods to:

(1) Promote the availability of services and programs for young children and the children's families across the State;

(2) Promote innovative programs for young children and the children's families including funding models for early childhood and education programs and services; and

(3) Enhance and improve quality and outcomes of early childhood and education programs and services, including child develop-

ment services, home visitation, child care, education services, supervision services, health services and social services; and

E. Developing and periodically updating a process for evaluating the council's effectiveness in performing the council's duties, including advising the cabinet.

**Sec. 12. 20-A MRSA §10, sub-§2, ¶G,** as amended by PL 2009, c. 540, §2, is further amended to read:

G. The Maine Municipal Association; and

**Sec. 13. 20-A MRSA §10, sub-§2, ¶H,** as amended by PL 2009, c. 540, §3, is further amended to read:

H. The Maine Principals Association; ~~and~~

**Sec. 14. 20-A MRSA §10, sub-§2, ¶I,** as enacted by PL 2009, c. 540, §4, is amended to read:

I. The Maine Children's ~~Growth~~ Cabinet Early Childhood Advisory Council.

**Sec. 15. 22 MRSA §3731, sub-§2,** as enacted by PL 1993, c. 158, §2, is amended to read:

**2. Council.** "Council" means the ~~Child Care~~ Maine Children's Cabinet Early Childhood Advisory Council established pursuant to Title 5, section ~~12004-I~~ 12004-J, subsection ~~35-B~~ 18.

**Sec. 16. 22 MRSA §3739,** as amended by PL 2017, c. 407, Pt. A, §79, is repealed.

**Sec. 17. Appropriations and allocations.** The following appropriations and allocations are made.

**LEGISLATURE**

**Legislature 0081**

Initiative: Deappropriates funds for the Child Care Advisory Council.

GENERAL FUND	2019-20	2020-21
Personal Services	(\$660)	(\$660)
All Other	(\$600)	(\$600)
<b>GENERAL FUND TOTAL</b>	<b>(\$1,260)</b>	<b>(\$1,260)</b>

**Legislature 0081**

Initiative: Appropriates funds for the Maine Children's Cabinet Early Childhood Advisory Council.

GENERAL FUND	2019-20	2020-21
Personal Services	\$880	\$880
All Other	\$1,120	\$1,120
<b>GENERAL FUND TOTAL</b>	<b>\$2,000</b>	<b>\$2,000</b>

**Legislature 0081**

Initiative: Deappropriates funds for the Maine Children's Growth Council.

GENERAL FUND	2019-20	2020-21
Personal Services	(\$1,980)	(\$1,980)
All Other	(\$1,800)	(\$1,800)
<b>GENERAL FUND TOTAL</b>	<b>(\$3,780)</b>	<b>(\$3,780)</b>
<b>LEGISLATURE</b>		
<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
GENERAL FUND	(\$3,040)	(\$3,040)
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>(\$3,040)</b>	<b>(\$3,040)</b>

DEPARTMENT TOTAL - ALL FUNDS	2019-20	2020-21
<b>SECTION TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
GENERAL FUND	(\$3,040)	(\$3,040)
FEDERAL EXPENDITURES FUND	\$500	\$500
OTHER SPECIAL REVENUE FUNDS	\$500	\$500
<b>SECTION TOTAL - ALL FUNDS</b>	<b>(\$2,040)</b>	<b>(\$2,040)</b>

See title page for effective date.

**MAINE CHILDREN'S CABINET EARLY CHILDHOOD ADVISORY COUNCIL**

**Maine Children's Cabinet Early Childhood Advisory Council N335**

Initiative: Establishes allocation in the Federal Expenditures Fund and Other Special Revenue Funds.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$500	\$500
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$500</b>	<b>\$500</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>		
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>
<b>MAINE CHILDREN'S CABINET EARLY CHILDHOOD ADVISORY COUNCIL</b>		
<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
FEDERAL EXPENDITURES FUND	\$500	\$500
OTHER SPECIAL REVENUE FUNDS	\$500	\$500

**CHAPTER 451**

**H.P. 1272 - L.D. 1790**

**An Act To Amend the Law To Protect the Confidentiality of State and Local Government Employees' Private Information**

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

**Sec. 1. 5 MRSA §7070, sub-§2, ¶D-1**, as amended by PL 2007, c. 597, §6, is repealed and the following enacted in its place:

D-1. Personal information, including that which pertains to the employee's:

- (1) Age;
- (2) Ancestry, ethnicity, genetic information, national origin, race or skin color;
- (3) Marital status;
- (4) Mental or physical disabilities;
- (5) Personal contact information, as described in Title 1, section 402, subsection 3, paragraph O;
- (6) Personal employment choices pertaining to elected payroll deductions, deferred compensation, savings plans, pension plans, health insurance and life insurance;
- (7) Religion;
- (8) Sex, gender identity or sexual orientation as defined in section 4553, subsection 9-C; or
- (9) Social security number.