

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTIETH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 29, 2021**

**SECOND REGULAR SESSION**  
**January 5, 2022 to May 9, 2022**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 29, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 8, 2022**

**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**  
**2022**

the retirement system, indicating that notice has been received from the qualifying member; or

**Sec. 43. 5 MRSA §18404, sub-§7, ¶B**, as enacted by PL 1999, c. 744, §14 and affected by §17, is amended to read:

B. When notice has been given but certification by the spouse has not been provided, by written certification of the qualifying member, duly ~~notarized~~ acknowledged and filed with the chief executive officer, on a form provided or specified by the retirement system, indicating that notice has been given to the spouse.

**Sec. 44. 5 MRSA §18802-A, sub-§7** is enacted to read:

**7. Remote meeting policy.** The remote meeting policy in Title 1, section 403-B, subsection 2 may be adopted by the chief executive officer on behalf of the advisory committee.

**Sec. 45. Maine Revised Statutes amended; revision clause.** Wherever in the Maine Revised Statutes the words "Executive Director of the Maine Public Employees Retirement System" appear or reference is made to that position or those words, those words are amended to read or mean, as appropriate, "Chief Executive Officer of the Maine Public Employees Retirement System" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes. Wherever in the Maine Revised Statutes, Title 5, Part 20, the words "executive director" appear or reference is made to that position within the Maine Public Employees Retirement System, those words are amended to read or mean, as appropriate, "chief executive officer," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

**CHAPTER 549**

**H.P. 1452 - L.D. 1947**

**An Act To Promote Electronic Filing of State Agency and Legislative Committee Publications**

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

**Sec. 1. 1 MRSA §501-A, sub-§3**, as enacted by PL 1997, c. 299, §1, is amended to read:

**3. Annual or biennial reports.** Immediately upon receipt of any annual or biennial report that is not included in the Maine State Government Annual Report provided for in Title 5, sections 43 to 46, the State Purchasing Agent shall deliver at least ~~55~~ 4 copies of that

annual or biennial report to the State Librarian for exchange and library use. The State Purchasing Agent shall deliver the balance of the number of each such report to the agency that prepared the report.

**Sec. 2. 1 MRSA §501-A, sub-§4**, as enacted by PL 1997, c. 299, §1, is amended to read:

**4. State agency and legislative committee publications.** Except as provided in subsection 5, any agency or legislative committee ~~issuing~~ publishing publications, including publications in an electronic format, shall deliver ~~18~~ 4 copies of the publications in the published format to the State Librarian. These copies must be furnished at the expense of the issuing agency. Publications not furnished upon request will be reproduced at the expense of the issuing agency. The agency or committee preparing a publication may determine the date on which a publication may be released, except as otherwise provided by law.

**Sec. 3. 1 MRSA §501-A, sub-§5**, as enacted by PL 1997, c. 299, §1, is amended to read:

**5. Electronic publishing.** An agency or committee ~~that electronically publishes information to the public is only~~ required to provide the State Librarian with only one printed copy of an electronically published publication if the agency or committee provides the State Librarian with an electronically published copy for the State Librarian to upload to the online repository maintained by the Maine State Library pursuant to Title 27, section 66 or the agency or committee uploads an electronically published copy to the online repository maintained by the Maine State Library pursuant to Title 27, section 66. An electronically published publication is not required to be provided to the State Librarian if the publication is also published in print or in an electronic format and is provided to the State Librarian in compliance with subsection 4 or the publication is:

A. Designed to provide the public with current information and is subject to frequent additions and deletions, such as current lists of certified professionals, daily updates of weather conditions or fire hazards; or

B. Designed to promote the agency's services or assist citizens in use of the agency's services, such as job advertisements, application forms, advertising brochures, letters and memos.

**Sec. 4. 5 MRSA §43, 4th ¶**, as repealed and replaced by PL 1975, c. 436, §3, is amended to read:

The Governor shall, no later than December 31st annually, consolidate such reports into a public document entitled "the Maine State Government Annual Report" and shall cause ~~them~~ it to be ~~printed and published in convenient form for distribution and sale as a public document entitled "The Maine State Government Annual Report" no later than December 31st published electronically in the online repository maintained by the~~

State Librarian pursuant to Title 27, section 66 for permanent digital access to government documents. A minimum of 4 copies of the report must be printed and provided to the State Librarian for retention in the Maine State Library government documents collection and distribution to other libraries in the State for patron access.

**Sec. 5. 5 MRSA §43, 5th ¶**, as repealed and replaced by PL 1975, c. 436, §3, is repealed.

**Sec. 6. 27 MRSA §2, sub-§1, ¶F**, as enacted by PL 1979, c. 541, Pt. A, §185, is amended to read:

F. Full and complete sets of all the documents ~~printed~~ published by the State; and

**Sec. 7. 27 MRSA §66**, as amended by PL 2013, c. 82, §6, is further amended to read:

**§66. Reports of departments ~~and institutions~~**

~~The State Librarian shall distribute reports of the departments and institutions of the State and other books and documents published or purchased by the State in such manner as the law may direct. The State Librarian may transmit one copy of each published report of each department of the State Government to each library in the State and to the libraries of other states and territories, and make such other and further distribution as in the State Librarian's judgment seems proper. The State Librarian shall maintain a document room government documents collection at the Maine State Library and an online repository for permanent digital access to government documents in which must be stored all department reports and other publications of the State intended for distribution and shall keep an accurate account of all books and documents received.~~

See title page for effective date.

**CHAPTER 550**

**S.P. 698 - L.D. 1960**

**An Act To Make Changes to the Laws Governing the Child Welfare Services Ombudsman Program**

**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 2017, c. 473, §1, 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 follow-

ing 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 and the ombudsman pursuant to section 4087-A or a designee of the ombudsman.

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. Beginning January 1, 2023 and every 2 years thereafter, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters;

**Sec. 2. 22 MRSA §4008, sub-§3-A**, as enacted by PL 1993, c. 294, §4, is amended to read:

**3-A. Confidentiality.** The proceedings and records of the child death and serious injury review panel created in accordance with section 4004, subsection 1, paragraph E are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. The commissioner shall disclose conclusions of the review panel upon request and recommendations pursuant to section 4004, subsection 1, paragraph E, but may not disclose data that is otherwise classified as confidential.

**Sec. 3. 22 MRSA §4087-A, sub-§2**, as enacted by PL 2001, c. 439, Pt. X, §5 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

**2. Program established.** The ombudsman program is established as an independent program within the Executive Department to provide ombudsman services to the children and families of the State regarding child welfare services provided by the Department of Health and Human Services. The program shall consider and promote the best interests of the child involved, answer inquiries and investigate, advise and work toward resolution of complaints of infringement of the rights of the child and family involved. The program must be staffed, under contract, by a full-time director who is an attorney or a master's level social worker who must have with experience in child welfare, development and advocacy, and support staff as determined to be necessary. The program shall function through the staff of the program and volunteers recruited and trained, at the discretion of the nonprofit organization under contract pursuant to subsection 3, to assist in the duties of the program.

**Sec. 4. 22 MRSA §4087-A, sub-§3**, as enacted by PL 2001, c. 439, Pt. X, §5, is amended to read:

**3. Contracted services; terms.** The program shall operate by contract with a nonprofit organization that the Executive Department determines to be free of potential conflict of interest and best able to provide the services on a statewide basis. The ombudsman may not