

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

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

Augusta, Maine
2023

the creditable service and earnable compensation from a prior plan or plans. For purposes of this paragraph, "state firefighter" means a person employed by the State with the primary responsibility of aiding in the extinguishment of fires and includes a member of emergency medical services line personnel as defined in section 286-M, subsection 2, paragraph H. For purposes of this paragraph, "game warden" means a person appointed by the Commissioner of Inland Fisheries and Wildlife pursuant to Title 12, section 10351, subsection 1.

Sec. 2. Former participating local district employee may purchase service credit. A former employee of a local district who was not permitted to become a member of the Participating Local District Retirement Program when the local district resumed participation in the program under the Maine Revised Statutes, Title 5, section 18254-A because the former employee previously elected not to maintain membership when the local district withdrew from participation and who has become a member as an employee of another local district may purchase the service credit under Title 5, section 18252-A, subsection 1, paragraph E and Title 5, section 18254, subsection 1 if the employee is still employed by the local district. The purchase of service credit under this section must be completed by December 31, 2023.

See title page for effective date.

CHAPTER 247

H.P. 269 - L.D. 436

An Act to Provide Career and Technical Education Students with Credit Toward High School Graduation for Work Completed in Career and Technical Education Centers and Regions

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 20-A MRSA §4722, sub-§3, as amended by PL 2021, c. 571, §10, is further amended to read:

3. Satisfactory completion. A secondary school student may earn a diploma if the student has satisfactorily completed all diploma requirements in accordance with the academic standards of the school administrative unit and this section. A school administrative unit shall award a high school diploma to a child with a disability, as defined in section 7001, subsection 1-B, who satisfies the local diploma requirements in the manner specified by the child's individualized education plan. Career and technical students may satisfy the requirements of subsection 2 through separate or integrated study within the career and technical school curriculum, including through courses provided pursuant to section 8402 or 8451-A, on the approval of the commissioner and the local school board or in accordance with an equivalency agreement pursuant to section 8404, subsection 3, paragraph B or section 8457, subsection 2.

Sec. 2. 20-A MRSA §8404, sub-§3, ¶B, as amended by PL 2011, c. 679, §15, is further amended to read:

B. Shall develop a cooperative agreement delineating the duties and powers of the advisory committee. A cooperative agreement or any amendment to the agreement must be ratified by the school board of each unit or affiliated unit served by the center. A cooperative agreement must be reviewed annually by the advisory committee and submitted by the center and its affiliated units to the commissioner. Beginning with the school year starting after June 30, 2025, the cooperative agreement must include an equivalency agreement for credit gained through a career and technical education program to be accepted as a core credit toward a high school diploma for each of the school administrative units governing or affiliated with the center; and

Sec. 3. 20-A MRSA §8457, sub-§2, as amended by PL 1991, c. 518, §25, is further amended to read:

2. Cooperative agreement. The cooperative board shall adopt a cooperative agreement incorporating at a minimum each of the items listed under section 8452, subsection 1. The cooperative board, with the superintendents' advisory committee, shall annually review the cooperative agreement. The cooperative board may amend the agreement, subject to approval by a majority of the school boards of the units served by the region. A copy of the cooperative agreement and any amendments to the agreement must be filed with the commissioner. Beginning with the school year starting after June 30, 2025, the cooperative agreement must include an equivalency agreement for credit gained through a career and technical education program to be accepted as core credit toward a high school diploma

for each of the school administrative units located in the region.

See title page for effective date.

**CHAPTER 248
H.P. 312 - L.D. 495**

**An Act Regarding
Investigations of Out-of-home
Child Abuse and Neglect**

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

Sec. 1. 22 MRSA §4002, sub-§9, as enacted by PL 1979, c. 733, §18, is amended to read:

9. Person responsible for the child. "Person responsible for the child" means a person with responsibility for a child's health or welfare, whether in the child's home or another home or a facility which licensed or subject to licensure that, as part of its function, provides for care of the child; or a person licensed or subject to licensure that, as part of its function, provides for care of the child. ~~It~~ "Person responsible for the child" includes the child's custodian.

Sec. 2. 22 MRSA §4004, sub-§2, ¶B, as corrected by RR 2021, c. 2, Pt. A, §64, is amended to read:

B. Promptly investigate all abuse and neglect cases and suspicious child deaths coming to its attention or, in the case of out-of-home abuse and neglect investigations, the department shall act in accordance with ~~chapter 1674~~ subchapter 18;

Sec. 3. 22 MRSA §4021, sub-§3, ¶C, as amended by PL 2015, c. 283, §1, is further amended by amending the last blocked paragraph to read:

Violation of this paragraph subjects any person involved in the violation, including individual school personnel, to the penalty provided in section 4009. This section does not apply to out-of-home abuse and neglect allegations as covered under ~~chapter 1674~~ subchapter 18.

Sec. 4. 22 MRSA c. 1071, sub-c. 18 is enacted to read:

SUBCHAPTER 18

**INVESTIGATION OF OUT-OF-HOME CHILD
ABUSE AND NEGLECT**

§4099-J. Definitions

1. Investigation team. "Investigation team" means individuals employed by the department to investigate allegations of out-of-home abuse or neglect pursuant to this subchapter.

2. Licensed. "Licensed" means holding a license as defined in Title 5, section 8002, subsection 5 or, with

respect to the Department of Education, any other form of approval or authorization required by law.

3. Out-of-home abuse or neglect. "Out-of-home abuse or neglect" means abuse or neglect or a suspicious child death:

A. That occurs in a facility or in the care of a person licensed or subject to inspection by the department, the Department of Education or the Department of Corrections;

B. That occurs in a facility operated by the department, the Department of Education or the Department of Corrections; or

C. That occurs in the care of an unlicensed provider that is funded by the department.

§4099-K. Investigation team

1. Investigation team established. The investigation team is established within the department to investigate reports of suspected out-of-home abuse or neglect of children in accordance with this subchapter.

2. Participation with other departments. The investigation team, on its own or upon request, may assist and participate with another department or agency charged with the responsibility to investigate abuse or neglect, including the Department of Education or the Department of Corrections.

3. Addition of relevant professionals. The investigation team must include, as appropriate, relevant professionals to participate in the investigations of out-of-home abuse or neglect.

4. Assistance by licensing staff. Department staff that perform general licensing functions may assist the investigation team in conducting out-of-home abuse or neglect investigations.

5. Consultation with law enforcement and others. The investigation team may consult with law enforcement personnel, advocates and others in the investigation of out-of-home abuse or neglect.

6. Results. The investigation team shall provide the results of its investigation to the department or other applicable licensing agency or department for appropriate action.

§4099-L. Duties of the investigation team

The duties of the investigation team include, but are not limited to, the following.

1. Receive reports of alleged abuse or neglect. The investigation team shall receive reports of alleged out-of-home abuse or neglect under circumstances set out in this subchapter. When the investigation team receives a report that alleges abuse or neglect in facilities or by persons not licensed or subject to inspection by