

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

CHAPTER 261
S.P. 542 - L.D. 1325

**An Act to Make Permanent the
Submission of Certain Reports
Concerning Child Welfare to
the Legislature**

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 2021, c. 550, §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 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, 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.

The panel shall submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters at least every 3 months. The panel may submit a combined report with the child welfare advisory panel established in section 4010-D or any judicial branch task force or panel with a focus on the child welfare system or child protective proceedings. Any presentation of the report to the committee must be presented by the citizen members of the panels to the extent possible. Each quarterly report must contain, at a minimum, the following:

(1) A summary of generalized and anonymized observations in the prior 3-month period regarding efforts by the Office of Child and Family Services to improve the child welfare system;

(2) A summary of the collaboration between the child welfare advisory panel and the child death and serious injury review panel as well as any judicial branch task force or panel with a focus on the child welfare system or child protective proceedings; and

(3) Any recommendations on how to further protect the State's children through department policy and rulemaking and through legislation;

Sec. 2. 22 MRSA §4010-D, as enacted by PL 2019, c. 28, §1, is repealed and the following enacted in its place:

§4010-D. Child welfare advisory panel; annual report

1. Annual report. The child welfare advisory panel shall submit a report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the activities of and reports produced by the child welfare advisory panel formed pursuant to the federal Children's Justice Act, 42 United States Code, Section 5106a to make policy and training recommendations for system improvements in the investigative, administrative and judicial handling of child abuse, neglect and exploitation cases and child maltreatment-related fatalities.

2. Child welfare advisory panel quarterly report. The child welfare advisory panel shall submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters at least every 3 months. The advisory panel may submit a combined report with the child death and serious injury review panel established in section 4004, subsection 1, paragraph E or any judicial branch task force or panel with a focus on the child welfare system or child protective proceedings. Any presentation of the report to the committee must be presented by the citizen members of the panels to the extent possible. Each quarterly report must contain, at a minimum, the following:

A. A summary of generalized and anonymized observations in the prior 3-month period regarding efforts by the Office of Child and Family Services to improve the child welfare system;

B. A summary of the collaboration between the child welfare advisory panel and the child death and serious injury review panel as well as any judicial branch task force or panel with a focus on the child welfare system or child protective proceedings; and

C. Any recommendations on how to further protect the State's children through department policy and rulemaking and through legislation.

Sec. 3. 22 MRSA §4010-E is enacted to read:

§4010-E. Office of Child and Family Services report

The Office of Child and Family Services shall submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters at least every 3 months. Each quarterly report shall describe the department's efforts to protect the State's children and may include but is not limited

to prevention efforts; training programs; development and implementation of strategic plans, priorities and initiatives; data reports; staffing updates; child placements; implementation of requirements in prior enacted bills or budgets; interactions with citizen review panels established pursuant to the federal Children's Justice Act, 42 United States Code, Section 5106a; and any other subject matter requested by the joint standing committee.

See title page for effective date.

CHAPTER 262

H.P. 864 - L.D. 1350

An Act Regarding the Composition of the Budget Advisory Committee and the Finality of the Budget in the Franklin County Budget Process

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

Sec. 1. 30-A MRSA §873, sub-§1, as enacted by PL 1991, c. 495, is amended to read:

1. Municipal officers. ~~Municipal~~ By April 1st of each year, municipal officers within each commissioner district shall caucus and shall elect municipal officers from that district to fill vacancies ~~as they arise~~, for terms as provided in paragraph ~~A~~ B.

~~A. Members shall serve for 3-year terms, except that initially each district caucus shall select one member for a one year term, one member for a 2-year term and one member for a 3-year term. There must be 3 members from each commissioner district. If a committee member ceases to be a municipal officer during the term of membership, the committee member shall resign the membership and the next district caucus shall elect a qualified municipal officer to fill the membership for the remainder of the unexpired term.~~

B. Each commissioner district has 2 permanent members. Members serve for 3-year terms. There is a rotating member who serves a one-year term, selected in 2025 by commissioner district one, selected in 2026 by commissioner district 2, selected in 2027 by commissioner district 3, selected in 2028 by commissioner district 4, selected in 2029 by commissioner district 5 and selected in 2030 and succeeding years in the same order as the first 5 years under this paragraph. If a committee member ceases to be a municipal officer during the term of membership, the committee member shall resign the membership and the next district caucus shall elect a qualified municipal officer to fill the membership for the remainder of the unexpired term.

Sec. 2. 30-A MRSA §874, sub-§4, as enacted by PL 1991, c. 495, is amended to read:

4. Finality of budget. After the public hearing is completed, the advisory committee shall adopt a final budget and transmit that budget to the county commissioners. The county commissioners may not further increase, decrease, alter or revise the budget adopted by the advisory committee, except by ~~unanimous~~ a 3/5 vote of the entire membership of the county commissioners. If the adopted budget is changed by the county commissioners, the advisory committee may reject that change by a 2/3 vote of its membership. Those actions are final and are not subject to further action by either the county commissioners or the advisory committee.

Sec. 3. Expiration of term for Franklin County Budget Advisory Committee members. Notwithstanding the Maine Revised Statutes, Title 30-A, section 873, subsection 1, paragraph B, the term of office for Franklin County Budget Advisory Committee members serving on November 5, 2024 expires on that day.

Sec. 4. Franklin County Budget Advisory Committee initial terms. Notwithstanding the Maine Revised Statutes, Title 30-A, section 873, subsection 1, paragraph B, members of the Franklin County Budget Advisory Committee serve for 3-year terms, except initially commissioner districts one and 2 shall select one member for a one-year term and one member for a 2-year term, commissioner districts 3 and 4 shall select one member for a 2-year term and one member for a 3-year term and commissioner district 5 shall select one member for a one-year term and one member for a 3-year term.

Sec. 5. Effective date. This Act takes effect November 5, 2024, except that section 3 takes effect 90 days after adjournment of the First Special Session of the 131st Legislature.

See title page for effective date, unless otherwise indicated.

CHAPTER 263

H.P. 919 - L.D. 1423

An Act to Increase the Limits on Awards for Compensatory and Punitive Damages Under the Maine Human Rights Act

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

Sec. 1. 5 MRSA §4613, sub-§2, ¶B, as amended by PL 2011, c. 613, §21 and affected by §29, is further amended by amending subparagraph (8), division (e) to read: