

M E M O R A N D U M

TO: Maine Summer Camp (MSC) Members
FROM: Jack Erler
DATE: September 15, 2015
RE: Status of Governmental Affairs Work by MYCA

127 LEGISLATURE; 1ST SESSION WRAP UP

The dust has now settled and among other interesting events at the “center of the universe” (that’s Augusta, Maine), the 65 bills that the Governor failed to veto have become law. For the finish the following are new laws that could affect youth camps. They become law on October 15, 2015.

Public Law, Chapter (PLC) 75 An Act to Protect Maine Lakes limits the application of a fertilizer containing phosphorus or nitrogen within 25 feet of the normal high-water line of a lake; or 10 feet if the fertilizer is applied using a drop spreader, rotary spreader with a deflector or targeted spray liquid.

PLC 105 An Act Regarding the Removal of Moorings and Floating Docks in Great Ponds During Ice-in Conditions permits a harbor master, a code enforcement officer or in an unorganized territory, a board of county commissioners to direct the master or owner of a boat or vessel to remove that person’s mooring or floating dock from a great pond if such empowered person(s) determine that leaving it in during ice-in conditions would create a public safety hazard.

PLC 117 An Act To Improve the Reporting of Child Abuse has changed the mandated reporting law. As in the past, if an employee of an organization: “knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected or that a suspicious child death has occurred” then that employee must notify the person in charge or a designated person of the organization. The organization then made a report to the DHHS or the designated police authority. The concern was, what happens when the employee reports to the organization but the organization does not report to the authorities.

Now the law is that when an employee makes a report to the organization, it must confirm to the employee that it has made a report to the appropriate authority, providing the following information to the employee: the name of the person in the organization who has made the report, the date and time of the report and a summary or the information that was reported. The employee then must acknowledge in writing that she/he has received that confirmation. If the employee does not receive the organization’s confirmation within 24 hours of her/his notification to the organization then the employee must “immediately” make a report directly to the appropriate authority.

In addition the organization may not take any action to prevent or discourage the employee from making the report.

My recommendation is that camps report to the appropriate authority all notices of child abuse reported to it by any employee, even if it has information to indicate that a report is not required. In addition, it should prepare a form for the required confirmation and acknowledgement so that it is ready for any report from an employee. Upon report, the form should be made out, the employee's signature obtained then the completed form should be retained by the camp in a separate secure file.

Companion legislation has been held over for the next legislative session that may require mandated reporting training for all staff. We will work with the DHHS so that the training is a part of required pre-camp training without requiring staff to be trained off site.

PLC 231 An Act To Expand Public Access to Epinephrine Autoinjectors This law permits organizations including camps to have and administer epinephrine using an autoinjector to a person without a prescription, who is suffering anaphylaxis. It requires that any persons administering the epinephrine to be trained.

We will work with DHHS to permit staff to be trained in camp and not required to attend a course away from camp.

PLC 283 An Act To Consolidate the Investigation of Out-of-home Child Abuse and Neglect This law established a new "Out-of-home child abuse or neglect" investigation team in child care division of DHHS. As the name indicates, this team will investigate child abuse in settings other than in the child's home. This law clearly is meant to deal with child care facilities and schools. Youth camps although licensed by the DHHS are not licensed in the child care division of DHHS from which this team is to operate. However, the definition of "Out-of-home child abuse or neglect" is; ". . . child abuse or neglect that occurs in a facility or by a person subject to licensure or inspection by" . . . [DHHS]. Thus the law permits (although it may not contemplate) the team to do investigations of child abuse or neglect in camps.

PLC 344 An Act To Improve Tax Expenditure Transparency and Accountability We have been following this bill for several years. It finally passed the Legislature and went to the Governor. He had vetoed it but he failed to follow the required process and now its law.

This is important to camps because a "tax expenditure" is any tax exemption. Camps have tax exemptions; the most well-known is the exemption from sales tax on meals served in camp. This law sets up a regularly reoccurring review of all tax expenditure by the Government Oversight Committee and the Taxation Committee. The process is supposed to begin in 2016, although under this new law, the meals tax exemption is not scheduled to be reviewed until 2019. We will monitor the process as it develops.

127 LEGISLATURE; 2nd SESSION

The 2nd Session begins in January 2016. Although it's dangerous, I will predict that the proposed (1) property tax on tax exempt entities including camps and (2) expansion of sale tax to cover services including potentially camp tuition will not raise their ugly heads again in this next Session. However, I will predict with even greater confidence that there will be proposed legislation that inadvertently or otherwise will negatively impact camps. Thus we are gearing up for the next session.

OTHER THINGS

We of course, will be keeping our eyes on DHHS, IF&W and Motor Carrier issues as well as stray happenings from who knows where.