

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

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PUBLIC LAWS
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1. **Actual damages.** Any actual damages sustained by the consumer as a result of the failure;
2. **Special damages.** Such amount of special damages as the court may allow, but not less than \$100 for each item of erroneous information reported which was the result of final action; and
3. **Costs and attorney's fees.** In the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

§ 1324. Jurisdiction of courts; limitation of actions

An action to enforce any liability created under this chapter may be brought in any court of competent jurisdiction, within 2 years from the date on which the liability arises, except that when a defendant has materially and willfully misrepresented any information required under this Title to be disclosed to an individual and the information so misrepresented is material to the establishment of the defendant's liability to that individual under this chapter, the action may be brought at any time within 2 years after the discovery by the individual of the misrepresentation.

§ 1325. Obtaining information under false pretenses

Notwithstanding the provisions of Title 17-A, section 4-A, any person who knowingly and intentionally obtains information on a consumer from a consumer reporting agency under false pretenses shall be fined not more than \$5,000 or imprisoned for not more than one year, or both.

§ 1326. Unauthorized disclosures by officers or employees

Notwithstanding the provisions of Title 17-A, section 4-A, any officer or employee of a consumer reporting agency who knowingly and intentionally provides information concerning an individual from the agency's files to a person not authorized to receive that information shall be fined not more than \$5,000 or imprisoned for not more than one year, or both.

§ 1327. Merchant harassment

Notwithstanding the provisions of Title 17-A, section 4-A, no merchant shall threaten any consumer with consequences adverse to his credit standing by reason of a report to be made by the merchant to a consumer reporting agency. Nothing in this section shall prohibit a merchant from reporting information to a consumer reporting agency in conformity with this chapter.

Effective October 24, 1977

CHAPTER 515

AN ACT Relating to the Adoption Procedures for Children who are not Related to Adopting Parents.

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

Sec. 1. 19 MRSA § 532, as last amended by PL 1973, c. 791, § 1, is further amended by inserting at the end the following new paragraph:

Notwithstanding any other provisions of this section, any written consent for a child to be adopted shall be given in front of the judge of probate, unless one of the petitioners to adopt the child is a blood relative of the child or unless the petitioners have received the child from the Department of Human Services or from a licensed adoption agency, provided, however, that a putative father shall not be required to give such consent in front of a judge of probate. Before this consent is given, the effect of the consent shall be fully explained by the judge to the person giving the consent. Before allowing the consent, the judge shall make a determination that the consent is freely and knowledgeably given.

Sec. 2. 19 MRSA § 533, first ¶, as amended by PL 1977, c. 16, is repealed and the following enacted in its place:

Upon the filing of a petition for adoption of a minor child, unless one of the petitioners is a blood relative of the child or the petitioners have received the child from the Department of Human Services or from a licensed adoption agency, the court shall notify the department which shall, either through its own workers or through a licensed adoption agency, investigate the conditions and antecedents of the child to determine whether he is a proper subject for adoption and whether the proposed home is suitable for the child. The court may refer any petition signed by a blood relative of the child to this department. This information shall, within 45 days or within such further reasonable time as the court allows, be submitted to the court in writing and be available to counsel of record. Thereupon, if the judge is satisfied of the identity and relations of the parties, of the ability of the petitioners to bring up and educate the child properly, having reference to the degree and condition of his parents and of the fitness and propriety of such adoption, he shall make a decree, setting forth the facts, and declaring that from that date such child is the child of the petitioners and that his name is thereby changed, without requiring public notice thereof. The court may require that the child shall have lived for one year in the home of the petitioners before the petition is granted, and may require that the child, during all or part of this probationary period, shall be under the supervision of the Department of Human Services or a licensed child placing agency.

Sec. 3. 22 MRSA § 8204 is enacted to read:

§ 8204. Individuals placing children for adoption

1. License required. Any individual who operates a child placing agency shall be subject to the licensing requirements of the department, as specified under this chapter and under chapter 1663. Any individual who advertises himself or holds himself out as placing or finding homes for children for the purpose of adoption, shall be deemed to operate a child placing agency.

2. License not required. Any individual who does not advertise himself or hold himself out as placing or finding homes for children for the purpose of adoption, but who places or assists in placing a child for adoption, shall

not be deemed to operate a child placing agency and shall not be subject to the licensing requirements of the department, as specified under this chapter and under chapter 1663.

3. Fees; violation and penalty. No individual who places or assists in placing a child for adoption shall charge a fee which represents more than the reasonable costs of the services provided.

Violation of this subsection shall be a Class D crime.

Effective October 24, 1977

CHAPTER 516

AN ACT to Create a Division of Public Health Nursing within the Bureau of Health, Department of Human Services.

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

22 MRSA c. 408 is enacted to read:

CHAPTER 408

PUBLIC HEALTH NURSING

§ 1961. Division of Public Health Nursing

There is established within the Department of Human Services, Bureau of Health, a Division of Public Health Nursing.

§ 1962. Director

The Commissioner of Human Services shall appoint a Director of Public Health Nursing, subject to the Personnel Law, who shall be licensed as a registered nurse in the State and shall have education and experience in community health nursing.

§ 1963. Responsibilities of the Division of Public Health Nursing

The Division of Public Health Nursing shall have the following responsibilities:

1. Establish standards. To establish standards for programs carried out by the department pursuant to state or federal laws or regulations:

A. Community nursing services in communicable diseases;

B. Programs for promoting the health of mothers and children; and