

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
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1. **Disclosure of nonidentifiable information.** Authorized agency personnel may disclose information, materials and records which do not contain personally identifiable data in the course of negotiations, administrative hearings, suits or other legal or nonlegal actions.

2. **Disclosure of identifiable information.** Authorized agency personnel may disclose information, materials and records which contain personally identifiable data, in the course of negotiations, administrative hearings, suits or other legal actions if consent is obtained pursuant to subsection 3.

3. **Consent.** Data that personally identifies the developmentally disabled person can be copied or disclosed only after receipt of that person's written consent. If that person lacks the capacity to understand the purpose, significance and result of the consent or if that person is under 18 years of age, then written consent must be received from:

A. The parent or guardian of a developmentally disabled person who is under 18 years old;

B. The guardian of the developmentally disabled person who is 18 years old or older, provided the guardian has this power; or

C. The guardian ad litem of a developmentally disabled person who is the subject of the information, materials or records.

§ 3556. Review of guardianship

The appropriate court shall, upon an agency petition which alleges adequate grounds, review the guardianship of a developmentally disabled person.

Sec. 3. 34 MRSA § 1-B, sub-§ 2, as enacted by PL 1975, c. 718, § 3, is amended to read:

2. **Necessity.** As disclosure may be necessary to carry out any of the statutory functions of the department, or the hospitalization provisions of chapter 191 or the purposes of Title 22, section 3554, the investigatory function of the Protection and Advocacy Agency for the Developmentally Disabled in Maine; or

Effective September 14, 1979

CHAPTER 554

H. P. 1018 — L. D. 1251

AN ACT to Amend the Law Relating to the State Board of Social Worker Registration.

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

32 MRSA § 7003, sub-§ 3, is enacted to read:

3. Employment by a nursing home. The person is employed by a nursing home licensed under Title 22, section 1811 and that person is engaging in the independent practice of social work on behalf of a nursing home. This exemption expires on July 1, 1981.

Effective September 14, 1979

CHAPTER 555

S. P. 593 — L. D. 1664

AN ACT to Revise the Physical Therapist Practice Act.

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

Sec. 1. 32 MRSA c. 45, as amended, is repealed.

Sec. 2. 32 MRSA c. 45-A is enacted to read:

CHAPTER 45-A

PHYSICAL THERAPIST PRACTICE ACT

§ 3111. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms shall have the following meanings.

1. Board. "Board" means the Board of Examiners in Physical Therapy as created in section 3112.

2. Direction. "Direction" means continuing verbal and written contact by a physical therapist with a physical therapist assistant including periodic on-site supervision adequate to ensure the safety and welfare of the patient.

3. Physical therapist. "Physical therapist" means a person who practices physical therapy.

4. Physical therapist assistant. "Physical therapist assistant" means a person who assists in the practice of physical therapy.