

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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

K.J. Printing Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TENTH LEGISLATURE

1981

CHAPTER 72

S. P. 98 — L. D. 217

AN ACT to Conform Confidentiality Requirements of the Maine Committee on Aging with the 1978 Older Americans Act.

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

Sec. 1. 22 MRSA § 5112, sub-§ 2, 2nd paragraph, as repealed and replaced by PL 1977, c. 696, § 192, is amended to read:

In order to serve as advocate and ombudsman for older people, the committee shall have the power to enter onto the premises of any boarding care facility licensed according to section 7801 and any nursing home facility licensed according to section 1817 in order to investigate complaints concerning those facilities. To carry out this function, the committee may enter onto the premises of any boarding care facility or nursing home during the course of an investigation, speak privately with any individual therein who consents to the conversation and inspect and copy all records pertaining to a resident held by a facility or home, provided that the resident, or the legal representative of the resident, consents in writing to that inspection. The consent, where required and not obtainable in writing, may be conveyed orally or otherwise to the staff of the facility or home. Where a resident is not competent to grant consent and has no legal representative, the committee may inspect the resident's records and may make such copies that do not contain personally identifiable material without the written consent of a duly appointed legal representative. The committee may authorize up to 25 persons, including committee members, staff of the committee and other citizens, to carry out this function of the committee pursuant to this subsection. Appropriate identification shall be issued to all such persons. The committee shall renew the authorization and reissue identification annually. The findings of the committee shall be available to the public upon request.

Sec. 2. 22 MRSA § 5112, sub-§ 2, as repealed and replaced by PL 1977, c. 696, § 192, is amended by adding after the 2nd paragraph a new paragraph to read:

No information or records maintained by the committee relating to complaints may be disclosed unless the ombudsman authorizes the disclosure; and the ombudsman shall not disclose the identity of any complainant or resident unless:

A. The complainant or resident, or a legal representative of either, consents in writing to the disclosure with respect to that complainant or resident respectively; or

B. A court orders the disclosure.

A complainant or resident, or legal representative thereof, in providing the

consent, may specify to whom such identity may be disclosed and for what purposes, in which event no other disclosure is authorized.

Sec. 3. 22 MRSA § 5112, sub-§ 2, last paragraph, as repealed and replaced by PL 1977, c. 696, § 192, is amended to read:

Any person, official or institution who in good faith participates in the registering of a complaint pursuant to this subsection, or in good faith investigates that complaint or provides access to those persons carrying out the investigation, about an act or practice in a boarding care facility or a nursing home licensed according to section 7801 or 1817, respectively, or who participates in a judicial proceeding resulting from that complaint, shall be immune from any civil or criminal liability that otherwise might result by reason of these actions. For the purpose of any civil or criminal proceedings, there shall be a rebuttable presumption that any person acting pursuant to this subsection did so in good faith.

Effective September 18, 1981

CHAPTER 73

S. P. 28 — L. D. 24

AN ACT to Permit 10% Overweight Tolerance for Certain Material Transported on the Highways.

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

29 MRSA § 1655, first sentence, as amended by PL 1979, c. 226, is further amended to read:

The operation on the highways of any vehicle loaded entirely with firewood, sawed lumber, dimension lumber, pulpwood, wood chips, logs, soils, unconsolidated rock materials including limestone, bolts, farm produce, road salt, manufacturer's concrete products, building materials which absorb moisture during delivery originating and terminating within the State, or dump trucks, tractor dump trucks or transit-mix concrete trucks carrying highway construction materials; or any vehicle loaded with a majority of products requiring refrigeration, whether by ice or mechanical equipment, and on such vehicles when inspected by the Maine State Police, the number of the seal shall be recorded and the number of the new seal shall be recorded by the Maine State Police, the operation on the highways of any vehicle loaded with raw ore from mine or quarry to place of processing shall not be deemed to be in violation if the gross weight of such vehicle does not exceed 110% of the maximum gross weight for which such vehicle is then registered, nor 110% of the maximum gross weight