

MAINE STATE LEGISLATURE

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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

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PUBLIC LAWS
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STATE OF MAINE

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~~under chapter 515. Expenditures for the state and local share of school construction projects including gifts shall be considered as outside any limit on expenditures by local units under chapter 515 .~~

Effective September 18, 1981

CHAPTER 210

H. P. 509 — L. D. 560

AN ACT to Authorize Certain Crossings of Public Ways under the Highway Laws.

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

Sec. 1. 29 MRSA § 1652, sub-§ 5 is enacted to read:

5. Private ways and bridges. This section does not apply to private ways and bridges.

Sec. 2. 29 MRSA § 1704 is enacted to read:

§ 1704. Crossing of public way

1. Authorization. Notwithstanding any other provision of law, the Department of Transportation in respect to state aid highways and other ways maintained by the department, municipal officers in respect to public ways within their municipality and the county commissioners in respect to county roads in the unorganized territory may authorize the crossing of ways by vehicles or objects having a length, width, height or weight greater than specified in this Title, and such authority may be in the form of a contract between the department, municipal officers or county commissioners and the abutting landowners at the designated crossing. Any contract entered into pursuant to this section shall contain, among other things, the following:

A. The term for which the authorization is to remain valid, which term may extend for a term of years;

B. Provisions for reimbursement to the department, municipality or county for costs of repair or maintenance of the way arising out of the use of the crossing; and

C. Such other terms and conditions as may pertain to safety, grading and maintenance as the department may require.

2. **Contracts.** Any contract executed pursuant to this section shall be deemed to grant authority to use the crossing to the abutting landowners at the point of crossing and also to those utilizing the crossing with the landowner's permission.

Effective September 18, 1981

CHAPTER 211

H. P. 562 — L. D. 638

AN ACT Relating to the Confidentiality of Communications Between Patients and Dentists.

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

Sec. 1. 22 MRSA § 4015, as enacted by PL 1979, c. 733, § 18, is amended to read:

§ 4015. Privileged or confidential communications

The husband-wife and physician and psychotherapist-patient privileges under the rules of evidence and the confidential quality of communication under Title 20, sections 805 and 806, Title 24-A, section 4224 and Title 32, ~~section sections~~ 1092-A and 7005, are abrogated in relation to required reporting, cooperating with the department or a guardian ad litem in an investigation or other child protective activity or giving evidence in a child protection proceeding.

Sec. 2. 32 MRSA § 1092-A is enacted to read:

§ 1092-A. Confidentiality

1. **Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Confidential communication" means a communication not intended to be disclosed to 3rd persons other than those present to further the interest of the patient in the consultation, examination or interview or persons who are participating in the diagnosis and treatment under the direction of the dentist, including members of the patient's family.

B. "Patient" means a person who consults or is examined or interviewed by a dentist or dental auxiliary.

2. **General rule of privilege.** A patient has a privilege to refuse to disclose and