

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

All records and reports concerning child abuse and neglect are deemed confidential and are subject to release only under the conditions set forth in section 3860. Any person who permits or encourages the unauthorized dissemination of their contents shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not more than \$1,000 or by imprisonment for 6 months, or by both.

§ 3860. Access to confidential records

The Department of Health and Welfare may release or turn over such records and reports to the following agencies or persons under the following conditions: A legally mandated, public or private child protective agency investigating a report of known or suspected child abuse or neglect or treating a child or family which is the subject of a report or record; a police or other law enforcement agency investigating a report of known or suspected child abuse or neglect; a physician who has before him a child whom he reasonably suspects may be abused or neglected; a person legally authorized to place a child in protective custody when such person has before him a child whom he reasonably suspects may be abused or neglected and such person requires the information in the report or record in order to determine whether to place the child in protective custody; an agency having the legal responsibility or authorization to care for, treat or supervise a child who is the subject of a report or record, or a parent, guardian or other person who is responsible for the child's welfare or his guardian ad litem with protection for the identity of reporters and other appropriate persons; a court, upon its finding that access to such records may be necessary for determination of an issue before such court, but such access shall be limited to in camera inspection, unless the court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then pending before it; a grand jury upon its determination that access to such records is necessary in the conduct of its official business; any appropriate state or local official responsible for the child protective service or legislation carrying out his official functions; any person engaged in a bona fide research purpose, provided that no information identifying the subjects of the report shall be made available to the researcher.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 21, 1975

CHAPTER 168

AN ACT to Provide a Right to Examine and Return Life Insurance Policies.

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

24-A MRSA § 2515-A is enacted to read:

§ 2515-A. Right to examine and return policy

1. Every individual life insurance policy delivered or issued for delivery in this State after December 31, 1976, shall contain a provision therein, or in a separate rider attached thereto when delivered, stating in substance that the person to whom the policy is issued shall be permitted to return the policy

within 10 days of its delivery to such person and to have a refund of the premium paid, if after examination of the policy the purchaser is not satisfied with it for any reason. The provision shall be set forth in the policy under an appropriate caption and, if not so printed on the face page of the policy, adequate notice of the provision shall be printed or stamped conspicuously on the face page.

2. The policy may be so returned to the insurer at its home or branch office or to the agent through whom it was applied for, and thereupon shall be void as from the beginning and as if the policy had not been issued.

Effective October 1, 1975

CHAPTER 169

AN ACT Relating to Pulmonary and Cardiac Diseases under the Workmen's Compensation Act.

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

39 MRSA §§ 64-B and 64-C are enacted to read:

§ 64-B. Cardiovascular injury or disease or pulmonary disease suffered by a fire fighter

If any person has been an active member of a municipal fire department or of a volunteer fire fighters' association for at least 2 years prior to a cardiovascular injury or the onset of a cardiovascular disease or pulmonary disease and if said disease has developed or the injury has occurred within 6 months of having participated in fire fighting or training or drill which actually involves fire fighting, it shall be presumed, unless the employer proves the contrary by a preponderance of the evidence, that the employee received the injury or contracted the disease arising out of and in the course of his employment, that sufficient notice of the injury or disease has been given, and that the injury or disease was not occasioned by the willful intention of the employee to injure himself or another.

§ 64-C. Cardiovascular injury or disease or pulmonary disease resulting in a firefighter's death

If any person had been an active member of a municipal fire department or of a volunteer fire fighters' association for at least 2 years prior to a cardiovascular injury or the onset of a cardiovascular disease or pulmonary disease and provided that the person had developed the disease or had suffered the injury which resulted in death within 6 months of having a cardiovascular disease or pulmonary disease which resulted in his death, and had participated in fire fighting or training or drill which actually involves fire fighting, it shall be presumed, unless his employer proves to the contrary by a preponderance of the evidence, that the person received the injury or disease arising out of and in the course of his employment, that sufficient notice of the injury or disease was given, and that the injury or disease was not occasioned by the willful intention of the employee to injure himself or another.

Effective October 1, 1975