

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

CHAPTER 495

AN ACT Providing for the Confidentiality of Certain Records.

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

Sec. 1. 34 MRSA § 1, first ¶, last 2 sentences, are repealed as follows:

~~All orders of commitment, medical and administrative records in the department are held to be confidential. Such records may be subpoenaed by a court of record~~

Sec. 2. 34 MRSA § 1-A is enacted to read:

§ 1-A. Disclosure of information

All orders of commitment, medical and administrative records, applications and reports and facts therein pertaining to any persons receiving services from the department, from any hospital pursuant to chapter 191, or from any facility licensed by the department pursuant to section 2052-A, shall be kept confidential and shall not be disclosed by any person except insofar:

1. Consent of individual. As the individual identified or his legal guardian, if any, or, if he is a minor, his parent or legal guardian, having been given the opportunity to review the information sought to be disclosed shall consent;

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

3. Court directive. As may be subpoenaed by a court of record subject to any limitations contained within the privileged communication provisions of Title 32.

As to persons receiving services pursuant to chapters 184-A, 184-B, and 187, nothing in this section shall preclude disclosure, upon proper inquiry, of information relating to the physical condition or mental status of an individual receiving such services to any members of his or her family, his or her relatives or friends; nor the disclosure of biographical or medical information concerning the individual to commercial or governmental insurers, or any other corporation, association or agency from which the department may receive reimbursement for the care and treatment, education, training or support of the individual; nor the disclosure or use of any information, including recorded or transcribed diagnostic and therapeutic interviews, concerning any individual receiving such services in connection with any educational or training program established between a public hospital and any college, university, hospital, psychiatric or counseling clinic or school of nursing, provided that in the disclosure or use of any such information as part of a course of instruction or training program, the patient's identity shall remain undisclosed.

Any person willfully violating any provision of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

This section shall not apply to the medical records and reports pertaining to persons receiving services from any private hospital pursuant to chapter 191.

Sec. 3. 34 MRSA § 2159, as last amended by P&SL 1973, c. 53, is repealed.

Sec. 4. 34 MRSA § 2256, as last amended by PL 1969, c. 135, § 2, is repealed.

Effective October 1, 1975

CHAPTER 496

AN ACT to Amend the Eating, Lodging and Recreational Place Licensing Law.

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

Sec. 1. 5 MRSA § 2301, sub-§ 1, ¶ A is amended to read:

A. All establishments licensed under Title 22, ~~section 2483~~ chapter 562;

Sec. 2. 22 MRSA c. 561, as amended, is repealed.

Sec. 3. 22 MRSA c. 562 is enacted to read:

CHAPTER 562

CAMPING AREAS AND EATING ESTABLISHMENTS

§ 2491. Definitions

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

1. Camping area. "Camping area" means, in addition to the general accepted interpretations, seashore resorts, lakeshore places, picnic and lunch grounds or other premises where trailers, tents, auto homes or house cars are permitted to be parked for compensation either directly or indirectly.

2. Catering establishments. "Catering establishments" means any kitchen, commissary or similar place in which food or drink is prepared for sale or service elsewhere or for service on the premises during special catered events.

3. Commissioner. "Commissioner" means the Commissioner of Health and Welfare.

4. Cottage. "Cottage" means a single structure where sleeping accommodations are furnished to the public as a business for a day, week or month, but not for more than the entire summer season.