

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

of the contact involved; ~~or~~

Sec. 6. 17-A MRSA §255, sub-§1, ¶E, as enacted by PL 1975, c. 499, §1, is amended to read:

E. The other person is in official custody as a probationer or parolee or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary authority over such other person; or

Sec. 7. 17-A MRSA §255, sub-§1, ¶F is enacted to read:

F. The other person has not in fact attained his 18th birthday and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student.

Effective September 23, 1983.

CHAPTER 327

H.P. 932 - L.D. 1177

AN ACT to Amend the Protection and Advocacy Agency for the Developmentally Disabled in Maine Statutes.

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

Sec. 1. 20-A MRSA §7202, sub-§§7 and 8, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

7. Parent's right to be a member of the team. Notify in writing the exceptional student's parent, surrogate parent or guardian of their right to be a member of the team and place a copy of the notice in the exceptional student's permanent records; ~~and~~

8. Facility construction, renovation and repair. Seek approval in advance from the commissioner for construction, renovation or repair, with or aided by public funds, of facilities intended for the education of exceptional students; or give assurances that other facilities in the school administrative unit

are adequate to meet the needs of those students; and

Sec. 2. 20-A MRSA §7202, sub-§9 is enacted to read:

9. Securing parental permission. For the Protection and Advocacy Agency for the Developmentally Disabled in Maine conducting studies pursuant to Title 22, chapter 961:

A. Assist the agency in its studies; and

B. Facilitate access to relevant case records by:

(1) Notifying parents or guardians of the study; and

(2) Requesting parental consent for the agency to have access to case records.

Sec. 3. 22 MRSA §4008, sub-§2, ¶B, as enacted by PL 1979, c. 733, §18, is repealed.

Sec. 4. 22 MRSA §4008, sub-§3, ¶¶C and D, as enacted by PL 1979, c. 733, §18, are amended to read:

C. A grand jury on its determination that access to those records is necessary in the conduct of its official business; and

D. An appropriate state executive or legislative official with responsibility for child protection services in carrying out his official functions, provided that no personally identifying information may be made available unless necessary to his functions; and

Sec. 5. 22 MRSA §4008, sub-§3, ¶E is enacted to read:

E. The Protection and Advocacy Agency for the Developmentally Disabled in Maine in connection with investigations conducted in accordance with chapter 961. The determination of what information and records are relevant to the investigation shall be made by agreement between the department and the agency.

Effective September 23, 1983.
